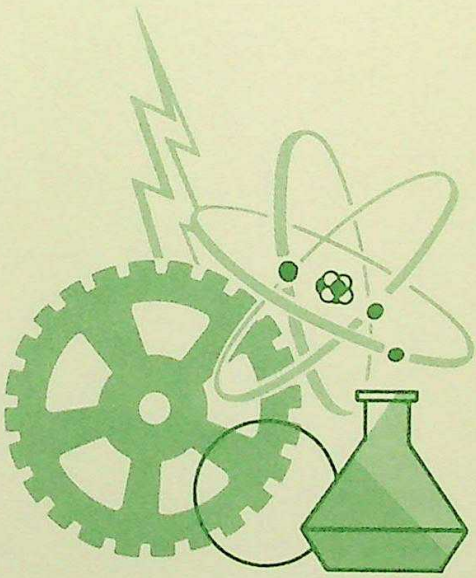
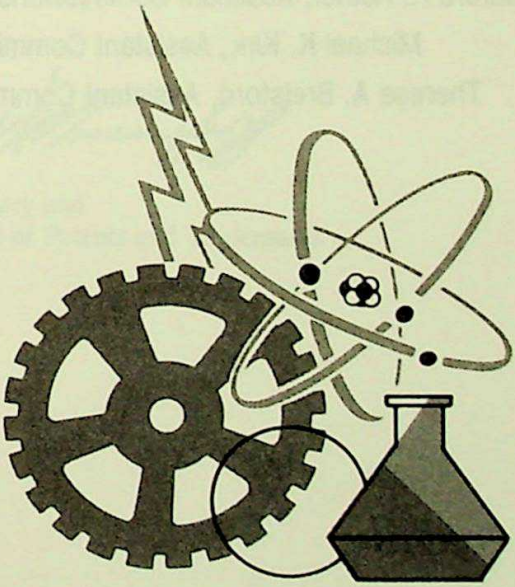
Commissioner of Patents and Trademarks



ANNUAL REPORT
FISCAL YEAR '83

Commissioner of Patents and Trademarks



ANNUAL REPORT
FISCAL YEAR '83

U.S. DEPARTMENT OF COMMERCE/PATENT AND TRADEMARK OFFICE

U.S. DEPARTMENT OF COMMERCE
Malcolm Baldrige, Secretary

U.S. PATENT AND TRADEMARK OFFICE

Gerald J. Mossinghoff, Assistant Secretary and Commissioner

Donald J. Quigg, Deputy Assistant Secretary and Deputy Commissioner

Rene D. Tegtmeyer, Assistant Commissioner for Patents

Margaret M. Laurence, Assistant Commissioner for Trademarks

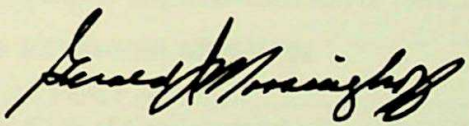
Bradford R. Huther, Assistant Commissioner for Finance and Planning

Michael K. Kirk, Assistant Commissioner for External Affairs

Theresa A. Brelsford, Assistant Commissioner for Administration

March 1984

Vigorous and effective patent and trademark systems are indispensable to our economic growth and national well-being. This report describes the operations of the Patent and Trademark Office during FY 1983 and the status of the Office at the close of that year. It reviews the important steps that we have taken to upgrade operations at the Office and bring about lasting and substantial improvements in our service to inventors and industry.



Assistant Secretary and
Commissioner of Patents and Trademarks

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MISSION

The United States Patent and Trademark Office administers the patent and trademark laws of the United States.

Patent laws encourage technological advancement by providing incentives to invent, invest in, and disclose new technology. The agency's primary role in administering these laws is to examine patent applications and grant patent protection for qualified inventions. The Office also is responsible for collecting, assembling and disseminating the technological information disclosed in patent grants.

Federal trademark laws promote an ordered and healthy economy by providing Federal registration. Trademarks help prevent product confusion among consumers and foster public awareness of the source of goods and services in the marketplace. The agency examines trademark applications and grants Federal registration to the owners of qualified marks. It also maintains a tribunal for resolving disputes on trademark rights.

FY '83 IN BRIEF

During FY 1983 the Office successfully implemented Public Law 97-247, the measure which significantly increased user fees, thus providing the funding to improve the agency's operations. It met all interim goals established toward reducing patent and trademark backlogs and automating operations.

A total of 105,704 patent applications were filed in FY 1983, including 8,256 for designs. This represented a decrease of 19,096 applications from the total of 124,800 in FY 1982. The high FY 1982 filings and low FY 1983 filings resulted from a rush to file before higher fees went into effect on October 1, 1982. The agency issued 59,715 patents, including 4,401 design patents, a decrease from the 65,152 issued in FY 1982. Patent examiners met major milestones towards achievement of the 18-month pendency goal in FY 1987 by sending 113,010 first actions in utility, reissue and plant applications and disposing of 99,931 cases. First actions and disposals were significantly higher than in FY 1982 and average pendency time between filing and issue or abandonment was 25.5 months at the end of the year.

The trademark examining operation received 51,014 applications for registrations, a decline of 22,607 from the previous year's record total of 73,621 caused by the surge of filings before higher fees went into effect. Higher output by the trademark examining staff brought the number of trademark registrations up to a record 47,685 in FY 1983, compared with 43,630 in FY 1982. Staff members disposed of a record 67,550 applications. The average pendency time to registration or abandonment was 20.3 months at the end of the year.

The Office submitted an automation master plan to Congress on December 13, 1982. The plan describes the framework for achieving a paperless office by 1990 in three stages. Activities during FY 1983 concentrated on reaching Stage 1 milestones to automate fully the trademark operation and patent Group 220 by the end of 1984.

Trademark milestones included additions to the trademark application monitoring system, TRAM II, in April. The agency entered into cooperative agreements with three private trademark search firms to convert the backfile of active registrations (including design images) to electronically processible form, and to continue the electronic conversion of new applications and related information using improved processes.

An analysis of user requirements was one of the first milestones to be reached in the automation of patent operations. Technical studies also carried out included an analysis of requirements to convert new applications and the patent backfile for electronic data processing.

The agency passed a major milestone toward reaching its goal of reducing patent pendency to 18 months by FY 1987. By the end of the year, new applications were being made available to examiners within 30 days of receipt by the Office, as opposed to 75 days the year before. The preexamination inventory goal of 9,100 applications was reached in June, and by the end of the year was the lowest since 1978.

Also in support of the 18-month pendency goal, the Office hired 245 patent examiners during FY 1983, making a total of 1,227 utility patent examiners (excluding supervisors). The college grade-point average of the new engineers was 3.06 on a scale of 4.0. Forty-two trademark examiners were hired.

The agency significantly improved the timeliness of key services. The time to record trademark assignments was reduced from 85 to nine days. Recordation of patent assignments was reduced from 80 to 16 days. The number of days to mail filing receipts for new patent applications was reduced from 56 to 21 (in February 1982 it took 100 days).

In a continuing program to insure patent search file integrity, approximately 750,000 documents were processed and about 29,000 patent copies were added to replace missing or mutilated documents. The reclassification programs established 2,690 new subclasses to encompass new technologies.

Four new patent depository libraries were designated in FY 1983, bringing the total to 42 libraries throughout the country at which the public has access to the technology contained in the U.S. patent file. Librarians representing 41 PDLs and seven potential depositories attended the Sixth Patent Depository Library Conference at the Office September 27-30.

To increase efficiency and reduce the backlog, the agency doubled the size of the Board of Appeals to 30 examiner-in-chief positions. The Board received 3,678 appeals during the year and disposed of 3,398, so that the number of appeals pending increased by 280 to 5,061. The Board of Patent Interferences disposed of 242 cases in FY 1983, with 420 cases pending at the close of the year. The Trademark Trial and Appeal Board disposed of a

record 3,018 cases, received 3,206 new cases, and closed the year with 3,578 cases pending.

The Office received 186 reexamination requests under P.L. 96-517, of which 77 were filed by patent owners. The agency ordered reexamination in 154 cases. Significantly, of 18 reexamination certificates issued by the end of the year where the patent in question was involved in related litigation, the litigation was settled after the certificate issued by consent decree or stipulated dismissal in 15 of the cases.

In the first full year of operation of the expanded quality review program, the Office reviewed 2,806 cases and reopened prosecution in 161.

In FY 1983, the agency received 1,977 international applications as a receiving office under the Patent Cooperation Treaty, a 6 percent increase over the previous year. It completed 1,805 international search reports.

Special events during the year included the first Trademark Exposition July 9 and 10 at the National Tourist Information Center in the Department of Commerce. Exhibits from trademark owners, including many major corporations, were featured. On February 12 and 13, the 11th annual National Inventors Day observance was held at the agency. Five inventors were inducted into the National Inventors Hall of Fame in special ceremonies.

Legislation signed into law during FY 1983 included an amendment designating the Commissioner of Patents and Trademarks as an Assistant Secretary of Commerce, and provisions extending the term of certain patents on drugs in special circumstances defined in the amendment.

The President's Cabinet Council on Commerce and Trade established a Working Group on Intellectual Property, chaired by the Assistant Secretary and Commissioner of Patents and Trademarks. The Cabinet Council completed its consideration on two issues studied by the Working Group: modifying the first sale doctrine of the copyright law for audio and video works and protecting semiconductor chip designs.

The Office provided training in the industrial property field to nationals from nine developing countries and furnished the services of experts to seven countries to give technical advice and lectures on industrial property.

The agency and the Japanese Patent Office entered into an agreement in February for the exchange of data and cooperation in a number of fields including automation. Those agencies and the European Patent Office held a trilateral conference in Washington in October 1983 at which a similar agreement between all three agencies was signed.

In October and November 1982, the Office participated in the third session of a Diplomatic Conference on the Revision of the Paris Convention for the Protection of Industrial Property. The session made significant progress toward developing acceptable texts for two topics: sanctions developing countries can apply for failure to work a patent and protection to be afforded geographic designations.

Experts from the agency participated in trade or economic delegations to Hungary, the Republic of Korea, Romania, Yugoslavia and Taiwan. They discussed various aspects of industrial property protection, including an increase

in commercial counterfeiting of well-known U.S. products, and received some indications of willingness to correct the problems.

SPECIAL AWARD FOR AGENCY

In recognition of the Office's accomplishments, the Secretary of Commerce gave agency employees a special award which was presented by Presidential Counsellor Edwin Meese III in a ceremony January 6. Meese commended them "for the work that you are doing, for the leadership that this Department is providing for the entire Government in bringing the Federal Government into a better position to serve our citizens in an efficient and cost effective manner".

The text of the plaque presented to Office employees reads as follows:

> "The Secretary of Commerce presents this award for distinguished public service to the employees of the United States Patent and Trademark Office in special recognition of significant and lasting achievements in improving the effectiveness of the United States Patent and Trademark systems, thereby stimulating technological growth and commercial development."

chapter one
FINANCIAL AFFAIRS

Obligations Incurred

Total obligations[1] for the Office in FY 1983 were $152,212,947, a 22 percent increase over FY 1982 (without adjustment for inflation). Compensation and benefits totalling $106,303,199 comprised 70 percent of total obligations. Printing of patents and trademarks and other reproduction obligations were $16,329,194, or 11 percent of the total. Other obligations of $29,580,554, which include travel, rental of space, supplies, and contracts, were 19 percent of the agency's total obligations. By budget activity, obligations in 1983 were: Patent Process, $93,805,650 or 62 percent of total obligations; Trademark Process, $9,723,000 or 6 percent; Information Dissemination, $25,199,135 or 17 percent; and Executive Direction and Administration, $10,851,153 or 7 percent. Automation obligations supportive of the above four budget activities were $12,634,009 or 8 percent of total obligations. These obligations are presented in Figure 1.

Funding Availability

Public Law 97-247, the authorizing legislation for the Office, altered the composition of agency funds in 1983. The Office collected significantly increased user fees.

Fee collections were retained by the agency and were used as offsets to appropriated funds. Unobligated balances from FY 1982 were utilized in FY 1983.

For 1983, funding for the Office totaled $162,417,331 and was comprised as follows:

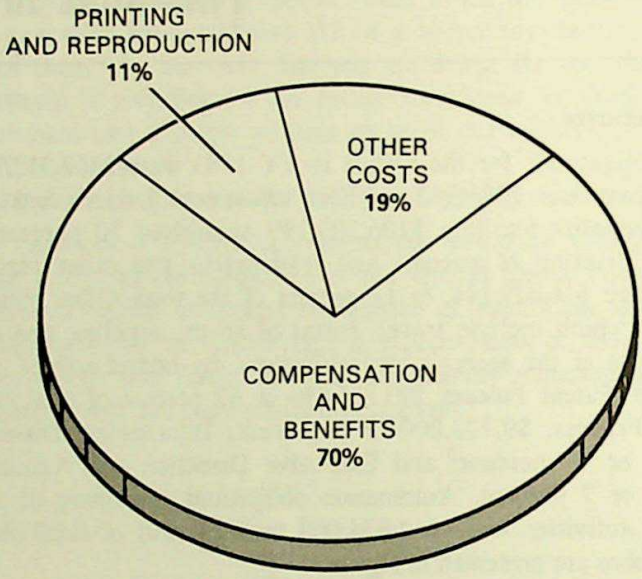
$73,801,000:	1983 appropriation (General Revenue funds)
54,390:	Recoveries of prior year obligations
4,640,000:	1983 supplemental appropriation
82,734,059:	User fee receipts (actual)
83,077:	Federal reimbursements
1,104,805:	1982 unobligated balances, carried forward
$162,417,331:	Total funding available

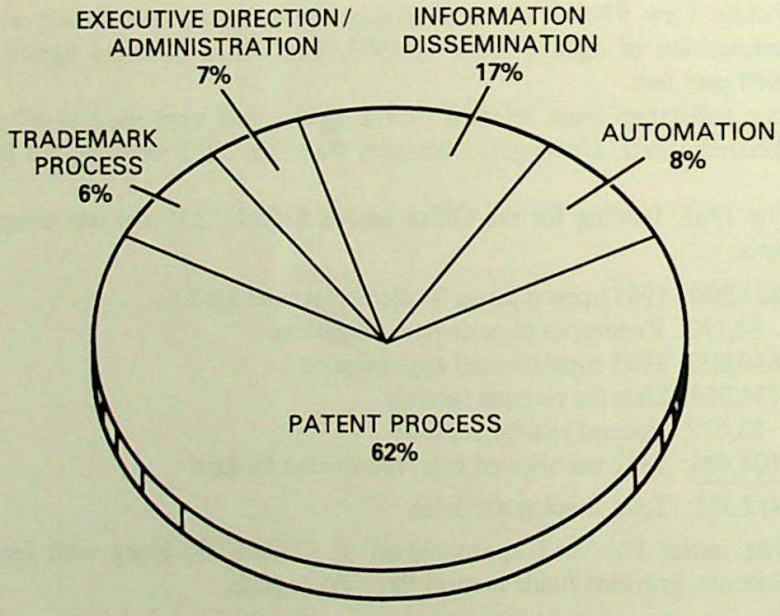
The initial FY 1983 appropriation of $73,801,000 along with fee and other income, provided funds to meet three major goals:

[1] Obligations incurred are defined as amounts of orders placed, contracts awarded, services received, and similar transactions during FY 1983 requiring payments in FY 1983 or the future.

FIGURE 1

PATENT AND TRADEMARK OFFICE FY 1983 OBLIGATIONS ($152,212,947)





To reduce the average time a patent application is awaiting final action to 18 months by 1987. The agency hired 245 new patent examiners and 33 clerical personnel and used extensive overtime to control pendency time. Patent first action production and disposal production increased by 25.9 percent and 19.4 percent, respectively, over 1982.

To reduce trademark pendency to three months to first action and 13 months to disposal by 1985. The agency expanded by 15 the roster of trademark attorneys, added six clerical personnel, and used overtime extensively to continue reducing pendency time. First action and disposal production increased by 6.4 percent and 7.3 percent, respectively, over 1982.

To automate agency operations by 1990. Efforts were begun to complete Stage 1 of the Automation Master Plan by the end of 1984. Stage 1 calls for automation of the trademark operation and of Patent Examining Group 220.

This initial appropriation was increased by the excess fees supplemental appropriation of $4,640,000 for the Federal pay raise of October 1, 1982.

During FY 1983, fees collected from users of agency services totaled $82,734,059, and represented approximately 54 percent of the Office obligations. Details on fees are in Table 4. Figure 2 shows that, in 1983, patent process fees accounted for 72 percent of total fees received; trademark process fees, 17 percent; service and related fees, 11 percent. Figure 3 illustrates obligations versus fees receipts.

Actual obligations against the total funding availability of $162,417,331 were $152,212,947, an increase of $27,982,947 above the FY 1982 obligations level of $124,230,000. The difference between the funds available and funds obligated is $10,204,384.

The reasons for the variance are twofold:

First, actual fee collections exceeded the budget estimate of $79,079,000 by $3,655,059. Fees are established for a three-year period and cannot rise annually with increasing operating costs. Actual fee collections in the first and second years of the fee cycle must exceed plan to meet a planned deficit in the third year of the fee cycle. The excess fees collected in 1983 will be retained for use in 1985.

Second, the remaining unobligated balances total $6,549,325 in FY 1983. This variance to the obligation plan primarily represents fourth quarter obligations for contracts that were delayed until 1984.

Authorized personnel staffing increased in FY 1983. Total permanent positions authorized number 3,140, an increase of 104 positions over the FY 1982 level of 3,036 positions. (See Table 3 for end-of-year employment data.)

FIGURE 2

PATENT AND TRADEMARK OFFICE
FY 1983 INCOME FROM FEES
($82,734,059)

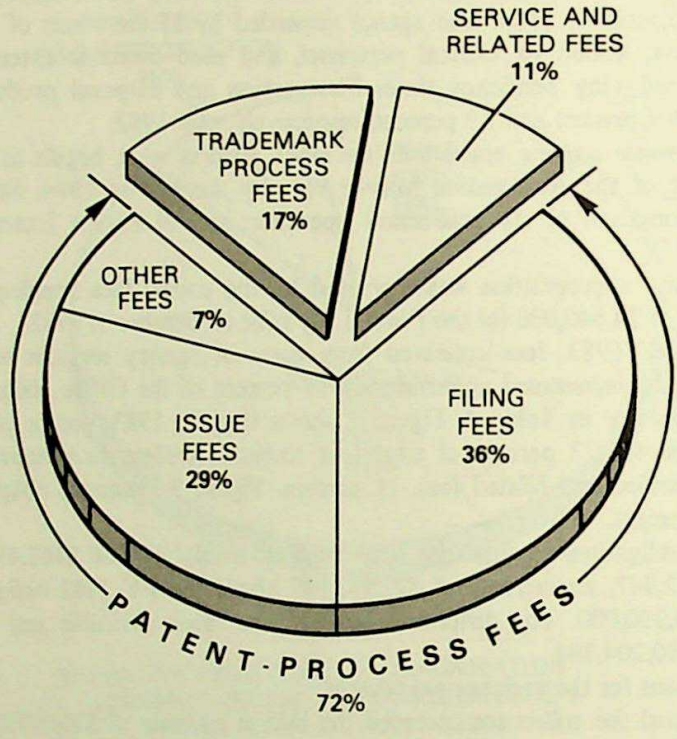
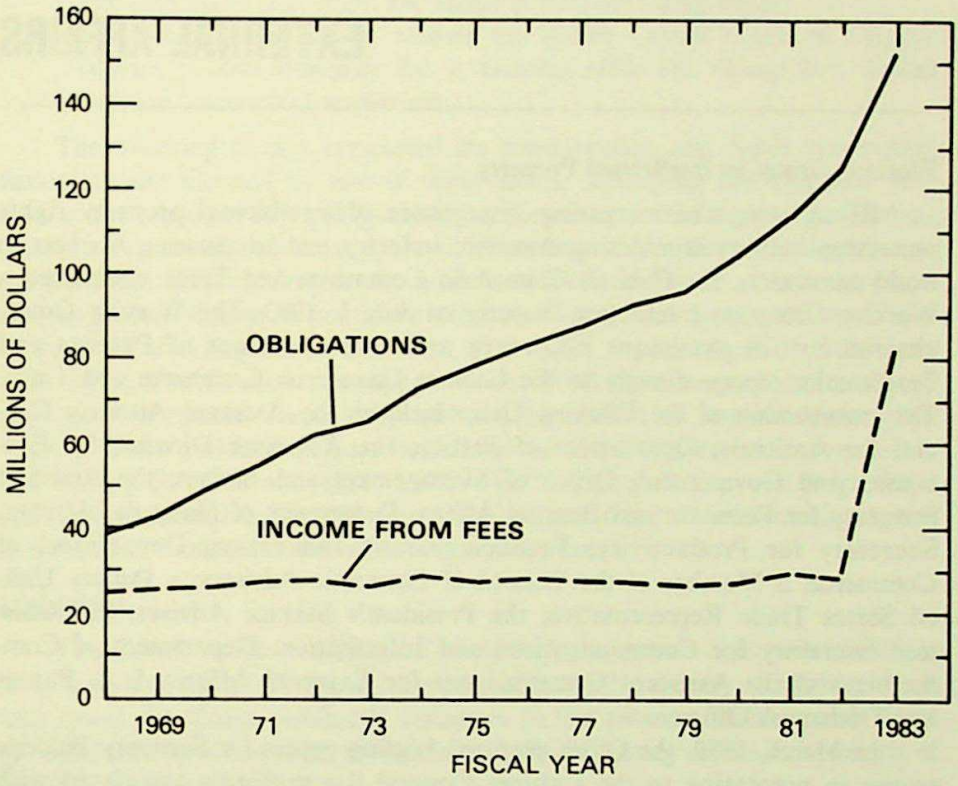


FIGURE 3

INCOME AND OBLIGATIONS (1968-1983)



chapter two
EXTERNAL AFFAIRS

Working Group on Intellectual Property

Recognizing the increasing importance of intellectual property rights protection both to stimulating domestic industry and to securing markets in world commerce, the Cabinet Council on Commerce and Trade established a Working Group on Intellectual Property on July 1, 1983. The Working Group, chaired by the Assistant Secretary and Commissioner of Patents and Trademarks, reports directly to the Cabinet Council on Commerce and Trade. The membership of the Working Goup includes the Assistant Attorney General for Antitrust, Department of Justice; the Associate Director for Economics and Government, Office of Management and Budget; the Assistant Secretary for Economic and Business Affairs, Department of State; the Assistant Secretary for Productivity, Technology, and Innovation, Department of Commerce; a Member of the Council of Economic Advisers; a Deputy United States Trade Representative; the President's Science Adviser; the Assistant Secretary for Communications and Information, Department of Commerce; and the Assistant Commissioner for External Affairs, U.S. Patent and Trademark Office.

In March, 1983, the Office prepared briefing papers for Secretary Baldrige to use in presenting to the Cabinet Council the problems associated with commercial counterfeiting. At the urging of the Secretary, the Council approved a two-pronged recommendation to combat counterfeiting. Domestically, the Council strongly endorsed the enactment of legislation providing effective deterrents to trafficking in counterfeit goods. Specifically, it endorsed legislation along the lines of bills designated S. 875 and H.R. 2477 (see below). Internationally, the Council recommended that the United States continue its efforts in the framework of the General Agreement on Tariffs and Trade to develop an international anti-counterfeiting code.

During the discussion by the Cabinet Council of the problems which commercial counterfeiting presented to legitimate U.S. business interests, the suggestion was made that the Cabinet Council should have some means of focusing on the issues which exist and which are likely to arise in the future in the intellectual property field. The Council created the Working Group to provide this support.

Among the issues considered by the Working Group since its creation are:

- Modification of the first-scale doctrine of copyright law to permit the copyright owner to participate in rental revenue of copyrighted audio and video works;

- Protection of semiconductor chip designs;
- Whether the United States is devoting adequate resources to strengthening protection abroad for the intellectual property rights of its nationals;
- Protection of computer software;
- The copying of size, color, and shape of another's drug tablet;
- The need to legislatively redress the Ninth Circuit Court of Appeals decision in *Anti-Monopoly Inc.* v. *General Mills Fun Group Inc.*, dealing with the "monopoly" trademark.

The Working Group completed its consideration and made recommendations to the Council on two of these issues: modifying the first sale doctrine of the copyright law and protecting semiconductor chip designs. A Working Group recommendation to support modification of the first-sale doctrine of the copyright law with respect to audio and video works to permit copyright owners to participate in rental revenue was approved by the Council and transmitted to Congress in the form of a letter supporting H.R. 1027 and H.R. 1029. The Council also approved the Working Group recommendation to support a limited term, copyright-like protection of semiconductor chip designs. This action was communicated to the Congressional committee considering S. 1201 and H.R. 1028. The Working Group will help shape additional recommendations to strengthen the protection of intellectual property in the United States and abroad in the coming year.

Legislation

The Office supports efforts to strengthen the patent and trademark systems and the rights of the creators of industrial property. Congress dealt with many significant legislative initiatives in the patent and trademark areas during the close of the 97th Congress and the beginning of the first session of the 98th Congress.

P.L. 97-366

The President signed into law H.R. 4441 on October 25, 1982. The law amends Section 3 of Title 35, United States Code, by designating the Commissioner of Patents and Trademarks as an Assistant Secretary of Commerce.

P.L 97-414

On January 4, 1983, the President signed into law the Orphan Drug Act which added a new Section 155 to Title 35, United States Code. The new section provides for the extensions of the term of certain patents covering inventions which, after having been approved for sale, were subject to a stay of approval under the Federal Food, Drug and Cosmetic Act. The extensions are to be equal to the length of time from the date the stay was imposed to the date of reinstatement of approval for commercial marketing.

P.L. 98-127

On October 13, 1983, the President signed into law the Federal Anti-Tampering Act which included a provision to add a new Section 155A to Title

35, United States Code. The provision extends the terms of certain new drug patents where Government approval to market or produce the product was delayed.

Patent Term Restoration

Legislation to generally extend the terms of patents subject to Federal pre-marketing regulatory review was reintroduced in the 98th Congress (S. 1306, H.R. 3502). The Office strongly supported the legislation, testifying on behalf of the Administration that the legislation would restore full patent incentives to patent owners whose products and processes are delayed in reaching the marketplace due to Federal regulatory procedures.

Patent Law Amendments of 1983

The Administration proposed legislation, S. 1538 and H.R. 2610, which provided a method for an inventor to retain the unrestricted right to practice the invention without obtaining a patent. The inventory will file a patent application for his invention and indicate during the time the application is before the Office that a statutory invention disclosure is being sought rather than a patent. The application would be reviewed for formalities, but would not be subjected to a substantive examination before being published. The Office testified in support of S. 1538 on July 20, 1983, before the Senate Judiciary Subcommittee on Patents, Copyrights, and Trademarks. The Administration also forwarded to Congress proposed legislation which would combine the Board of Appeals and the Board of Patent Interferences as part of a package also involving rules proposed by the Office to achieve certain procedural efficiencies, particularly in interference practice.

Commercial Counterfeiting

With the increasing incidence of trademark counterfeiting, legislation (S. 875 and H.R. 2447) was introduced to impose criminal and heavy civil sanctions for such intentional trademark piracy. The Office testified in favor of S. 875 on September 14, 1983, before the Senate Judiciary Subcommittee on Patents, Copyrights, and Trademarks and on H.R. 2447 on November 3, 1983, before the House Judiciary Subcommittee on Crime. In addition, the agency testified before the International Trade Commission on August 23, 1983, in ITC Hearing No. 332-158. The ITC hopes to obtain a more accurate estimate of the effects of counterfeiting on U.S. industry.

National Productivity and Innovation Act of 1983

On September 12, 1983, President Reagan transmitted to Congress a legislative proposal to amend the antitrust and patent laws to enhance the productivity and competitiveness of U.S. industry in international markets. The legislation (S. 1841 and H.R. 3878) is designed to promote joint research and development ventures, to encourage the competitive aspects of intellectual property licensing and to afford further product protection for the holders of U.S. patents to processes producing those products. The agency testified in favor of the legislation in a hearing on October 26, 1983, before the Senate Judiciary Committee.

chapter three

INTERNATIONAL COOPERATION

The Office promotes effective patent and trademark protection both domestically and internationally. Such protection aids foreign countries' economies and also protects the interests of U.S. industry, which holds more industrial property than the industry of any other country.

Revision of the Paris Convention

The Paris Convention for the Protection of Industrial Property, to which 92 countries including the United States have adhered,provides international standards which facilitate the obtaining of protection for inventions or trademarks in these countries. The Paris Convention was first established in 1883 and it has been revised a number of times since with a further revision currently underway.

The agency participated in a Third Session of the Diplomatic Conference for the revision of the Paris Convention in Geneva, from October 4 to 30, and from November 23 to 27, 1982. During the Third Session significant progress was made toward developing acceptable texts for the most contentious topics under discussion, the sanctions available for not working a patent or for abusing patent rights (Article 5A) and the protection to be afforded geographic designations (Articles 6*ter* and 10*quarter*). Agreement was reached in Main Committee I on affording protection to the official names of the Paris Convention countries (Article 6*ter*).

A Fourth Session of the Diplomatic Conference is scheduled for February 27 to March 27, 1984.

International Code of Conduct on the Transfer of Technology

An International Code of Conduct on the Transfer of Technology is being negotiated under the auspices of the United Nations Conference on Trade and Development (UNCTAD). The Code is intended to facilitate technology transfer agreements between countries by various means, such as discouraging certain restrictive business practices and enumerating responsibilities and obligations of the parties to transactions involving transfer of technology. During 1983, a series of exploratory meetings were held to prepare for the Fifth Session of the U.N. Conference, scheduled for late October and early November 1983. While the exploratory meetings were intended to resolve some of the differences outstanding, no significant progress was achieved prior to the Fifth Session.

Training Programs for Developing Countries

The Office continued to provide training in the industrial property field to nationals from a number of developing countries. Seven representatives from the Republic of Korea spent several months studying all aspects of the U.S. patent system. A representative from Taiwan spent two months studying the U.S. patent and trademark systems. Briefings and discussions were also held with nationals of the Philippines, Egypt, Nigeria, the People's Republic of China, Indonesia, and several other countries.

On May 5, 1983, a memorandum of understanding was concluded between the African Intellectual Property Organization and the Office. The agreement, in recognizing the critical role industrial property plays in economic development, industrial expansion and technological progress, calls for cooperation in the exchange of patent documentation, specialists and information.

The Office furnished the services of experts to a number of countries to give lectures on industrial property matters and to give technical advice. Agency experts gave a series of lectures in the People's Republic of China. Experts in documentation and administration also visited Argentina, the People's Republic of China, Malaysia, and Singapore (see also the section on international documentation activities in Chapter 5).

Trilateral Conference on Automation

Officials of the European Patent Office, the Japanese Patent Office and the U.S. Office met from October 17-19, 1983, on cooperation in the automation of the three offices. The meeting concluded with the signing of a memorandum of understanding which called for cooperation in the introduction of automation, in the study of related subjects, in document classification and indexing, and in the dissemination of patent information. The three offices also agreed to exchange documents, microfilm, search results, electronic data and specialists.

Protection of Intellectual Property

Agency experts participated as members of trade or economic delegations to the People's Republic of China, Hungary, the Republic of Korea, Romania, Yugoslavia, and Taiwan to discuss various aspects of industrial property protection afforded by each of these countries. Of particular concern to some of the delegations was the increase in commercial counterfeiting of well-known U.S. products in several of the countries visited. This mater was raised and promises of accommodations to alleviate the problem were received by the U.S. delegations.

Other International Activities

The Office, in cooperation with the Department of State and other components of the Department of Commerce, also continued participation in the World Intellectual Property Organization Permanent Committee on Patent Information, and in the WIPO Permanent Committee for Development Cooperation.

chapter four
AUTOMATION

FY 1983 saw major changes in the automation program of the Office. The automation master plan that had been mandated by P.L. 96-517 was completed in September 1982. It was reviewed concurrently with the Department of Commerce, General Services Administration, and the Office of Management and Budget and received their endorsement or concurrence. It was submitted to Congress, as required, on December 12, 1982, following these reviews. The executive summary of the plan, entitled "Automating the Patent and Trademark Office—A Report to the Congress by the Commissioner of Patents and Trademarks under Section 9 of P.L. 96-517" was reproduced in the *Official Gazette*. More than 1,000 copies of the plan were subsequently distributed to government, professional, and commercial organizations following its release. Requests for copies are still being received.

The plan describes the conceptual framework for a fully automated, "paperless" office by 1990. It structured the milestones for reaching the goal of full automation in three stages. This timetable is reviewed in the following section to provide a basis for discussing the accomplishments during the last year.

Milestones

The Automation Master Plan (long-range plan) was divided into three stages, as shown in the accompanying chart. This was done to facilitate progressive development and installation of system capabilities over the eight-year development period in manageable steps.

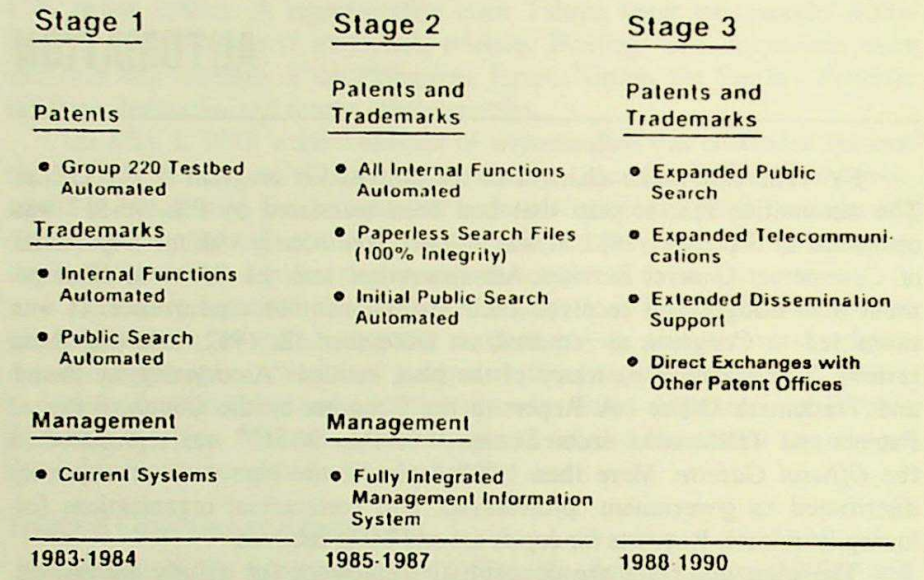
During Stage 1, the plan is to automate one patent group, Group 220, together with necessary supporting operations. This first step will provide an ideal testbed since this group deals with all areas of technology, yet requires only a small fraction of the ultimate computer capacity. All trademark operations, both internal and public search, will be automated.

The automated patent system will be expanded to support all internal patent operations during Stage 2. This will result in an electronic data base which will be fully accessible at all times with complete integrity. An initial public search and integrated management information system also will be in place.

The system will be expanded for extended access by the public and for telecommunication access during Stage 3.

Activities during FY 1983 concentrated on reaching the Stage 1 milestones. These included initiation of a large number of actions related to

Plan Milestones



trademarks, patents, and electronic data base development for both trademarks and patents.

Stage 1 Trademark Automation

The FY 1983 trademark milestones included additions to the new trademark application monitoring system (TRAM II) which were scheduled for and completed in April 1983. The TRAM II system forms the cornerstone of the fully automated trademark operation by providing the capability to establish and maintain the basic data base for other automated operations.

Milestones also included steps toward converting the backfile of active registrations and the design images to electronically processible form. Improved processes for continuing the electronic conversion of new applications and other application-related information were also required. This was done through cooperative agreements with three private trademark search firms. Compu-Mark of Belgium agreed to key the entire backfile of registrations and other data. Thomson and Thomson of Boston, Mass., agreed to code the design marks, using an adaptation of the World Intellectual Property Organization design codes, and to digitize the images into electronic facsimilies, from both the backfile and the prospective file for the next ten years. TCR of Croton, N.Y., agreed to key the new application and other data for the next ten years. All agreements were reached on the basis of the exchange of electronic data summarized above. These arrangements completed the plans for the creation and maintenance of the trademark electronic data base.

Trademark automation also requires a new automated trademark search system. The Office analyzed requirements and issued a request for proposals in April 1983. Proposals were received in August. The contract was awarded in December, with delivery of the system scheduled for April 1984. Trademark automated search and location monitoring was scheduled to be completed in May 1984.

To support the data conversion operation and management of the trademark file wrapper contents, the Office procured a computer-assisted microimage retrieval system and installed it in November.

Stage 1 Patent Automation

Analysis of user requirements was one of the first milestones to be reached in the automation of patent operations. This was completed in the early part of 1983 and laid the foundation for the completion of the remaining technical documents needed to proceed with the development of the system. This was followed by the preparation of a systems operating concept which led to an updated technical system concept. All these materials, together with the results of other technical studies, provided the basis for proceeding with the design and acquisition of the Stage 1 system.

Meanwhile, the Office developed an automated patent system acquisition strategy which called for acquiring the services of a systems contractor that would, using the requirements and other technical information developed by the Office, complete the system design specifications and competitively acquire any necessary software and the required computer equipment. The system contractor would provide the software necessary to develop an integrated system.

A request for proposals for a systems contractor was completed in early October 1983 and released for competitive acquisition on October 14, 1983. The contract is planned for award in early 1985. The system capabilities required to support the Stage 1 testbed operation are expected to be available by the end of 1984, and allow a six-month test and evaluation in 1985, as planned.

During the early part of 1983, the Office analyzed requirements for the conversion of the patent backfile and for the on-going process of new application conversion. Acquisition strategies were developed, calling for two independent competitive procurements, one for the backfile conversion capabilities and/or services, the other, for on-going conversion capabilities. Draft specifications were completed in August and September 1983. Requests for proposals for these two subsystems are to be issued in March and May 1984. Contract award and delivery of subsystem capabilities are planned to be completed in time to support the Stage 1 test operations and the expansion that will be needed for Stage 2.

With these actions, the Office maintained its schedule for the full automation of patent operations, beginning with Group 220.

To support current patent operations, a major enhancement to the Patent Application Monitoring System (PALM) was also completed and installed as planned in June 1983.

Current System Support

Installation of the TRAM II system and the enhancement of the PALM system increased the workload on the agency's computer network, as had been expected. To accommodate the added workload, the computer facility underwent a major upgrading. A contract for the upgrading was completed in June 1983, and the new equipment was delivered during September. The new configuration, shown in the accompanying chart, became operational in November 1983. The Burroughs 7700, with new disk and tape drives, will replace the previous B6700 in a new, expanded facility and will more than double the computer capacity of the Office. This configuration and facility will support agency needs until the new automated patent system is installed and a replacement management computer system is acquired in 1986-1987. The processors were acquired from government surplus at a bargain price.

Figure 4 shows the performance levels of the B6700 computer network during 1983. With the increased workload brought about by the TRAM II and PALM III systems, the on-line response time increased well above desired levels, but will return to the previous low levels when the new equipment becomes operational. System availability remained close to the goal of 95 percent most of the year.

Automated Search Studies

Automated search studies, begun during 1982, were continued into 1983 and were mostly completed. A summary of the initial studies was prepared

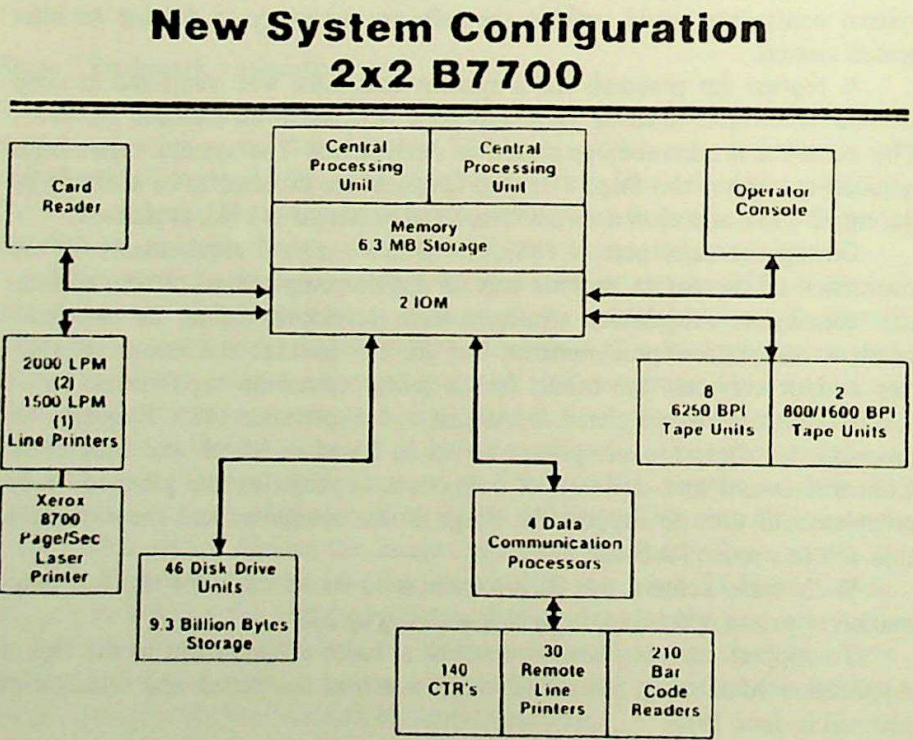
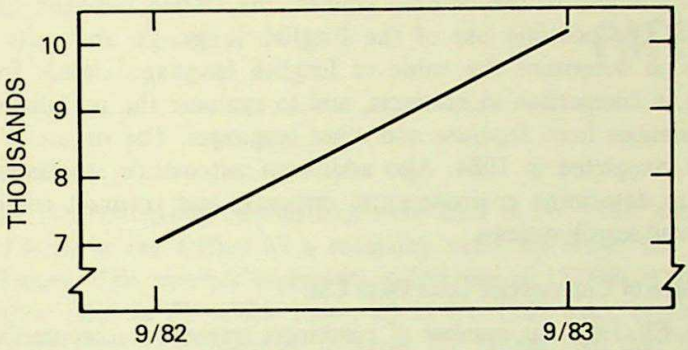
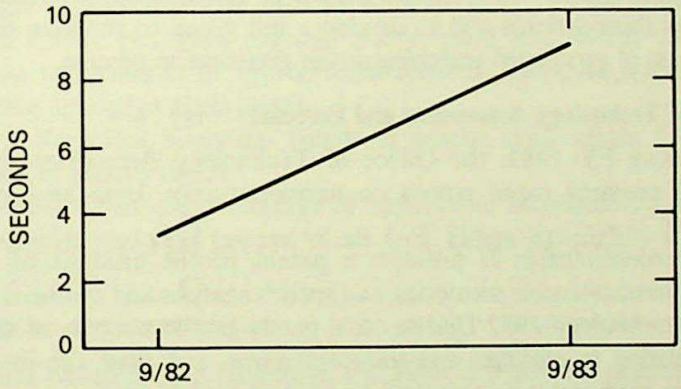


FIGURE 4

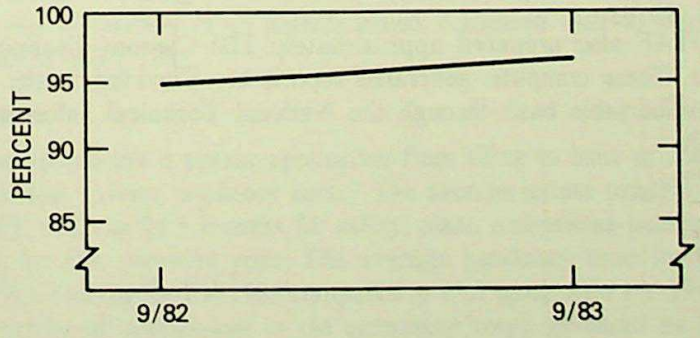
PTO CENTRAL COMPUTER OPERATION



a. TRANSACTION VOLUME



b. RESPONSE TIME



c. AVAILABILITY

and distributed internally in mid-1983. The report, "Automated Patent Searching: Results of USPTO Studies" will be published in FY 1984. The final study, comparing manual and automated searching using the Mead Data Central LEXIS software, will be completed in FY 1984.

In addition to the original studies, the Office initiated new studies to evaluate the possible use of the English language abstracts of Japanese patents to determine the value of English language claims from Japanese patents in comparison to abstracts, and to evaluate the usefulness of automatic translations from Japanese and other languages. The results of these studies will be completed in 1984. Also additional automation studies will be undertaken to determine environmental impacts, and training requirements for automated search systems.

Expansion of Commercial Data Base Use

In FY 1983 the number of examiners trained on commercial data bases was expanded from about 300 to 400. The number of terminals increased from 22 to 27. In FY 1984 12 additional terminals will be obtained for the examining corps. Eight of these will be placed in Group 220, to enhance examiner access to these systems and to develop a test group to continue the analysis of the impact of automated searching on the examination process.

Office of Technology Assessment and Forecast

During FY 1983, the Office of Technology Assessment and Forecast (OTAF) prepared major reports on microelectronics, biotechnology and design patenting.

Microelectronics II presents a patent profile analysis of digital logic circuits, semiconductor memories, and speech analysis and synthesis.

Biotechnology 1982 Update is a patent profile analysis of six technology areas relating to enzymes and microorganisms, and their use in the synthesis of certain products, their preparation and their modification.

Design Patenting presents an extensive tabulation of design statistics from 1842 by state and country, and analyzes trends in ownership and technological activity.

OTAF also prepared approximately 220 Custom Technology Profile reports. These computer-generated reports are provided to the public on a cost-reimbursable basis through the National Technical Information Service (NTIS).

chapter five
PATENTS

Patent Applications

A total of 105,704 patent applications were filed in FY 1983, excluding international filings in the Office as a receiving authority under the Patent Cooperation Treaty. This number represents a decrease of 19,096 applications from the number filed in FY 1982. However, in FY 1982 more applications than normal were filed in September to avoid the higher fees that became effective at the beginning of FY 1983. As a result, fewer applications than normal were filed at the beginning of FY 1983. Over the two-year period, a total of 230,504 applications were filed for an average of 115,252 applications per year. The Office projected average utility, plant and reissue filings of 107,000 for the two years in its appropriation requests. The other 8,256 filings in FY 1983 were for design applications.

Figure 5 illustrates historical trends in patent applications filed and pending, as well as patents issued.

Figure 6 shows that the percentage of applications submitted by residents of foreign countries was 41.8 percent of all U.S. filings, up slightly from the percentage in FY 1982.

Patents Issued

The Office issued 59,715 patents in FY 1983, a 9 percent decrease from the previous year. Utility, plant, and reissue patents accounted for 55,314 of this total, with 4,401 design patents being issued. The number of patents issued to residents of foreign countries, as shown in Figure 6, continued to increase and was 41 percent of all patents issued, compared with 40 percent of the patents issued in FY 1982.

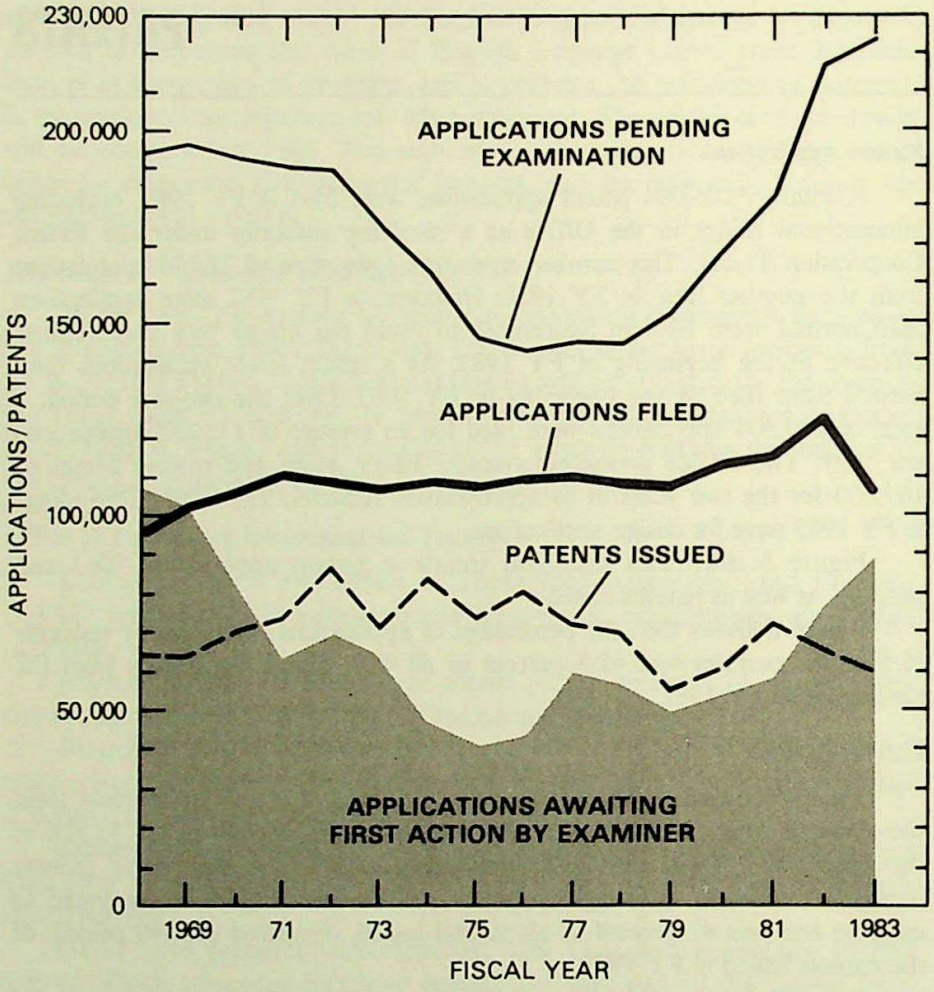
Patent Pendency

The time to process a patent application from filing to issue or abandonment is called the "patent pendency time." The average patent pendency time rose during FY 1983 to 25.5 months for utility, plant, and reissue patents from 24.2 months for the previous year. The average pendency time for design patents was 28.1 months for FY 1983 compared to 27.5 months for FY 1982.

The inventory of applications in the examining corps increased by 20,946 for all applications including designs. The total Office inventory at the end of FY 1983 was 262,930 applications including designs, up from 247,984 in FY 1982. The average time that it took for an applicant to get a first response from the Office on the merits of a utility, plant or reissue application decreased

FIGURE 5

PATENT APPLICATIONS FILED, PENDING AND ISSUED (1968-1983)



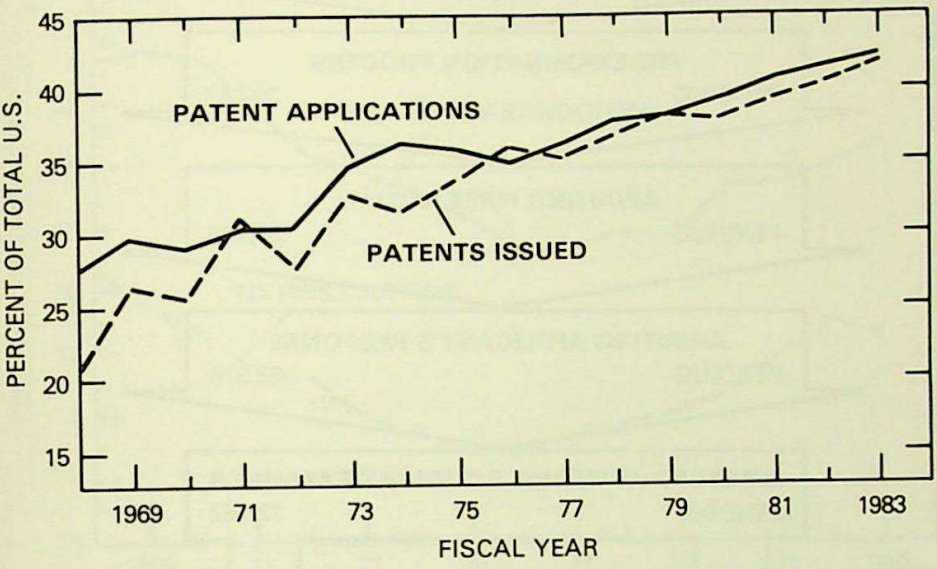
from 13.9 months to 13.1 months. Figure 7 is a flow chart showing the stages, and the FY 1982 pendency time for each stage, in the patent examining process. Figure 8 illustrates the trends in pendency time over the past several years. (Also see Tables 5 through 9.) The Office expects to dispose of more cases than it receives in FY 1984, and pendency time will start to diminish in FY 1985, making possible the Office goal of reducing pendency time to 18 months by FY 1987 (Plan 18/87).

Patent Examiners

In support of the Plan 18/87, the Office hired 245 patent examiners during FY 1983. With 59 attritions from the patent examining corps, and

FIGURE 6

U.S. PATENT APPLICATIONS FROM, AND PATENTS ISSUED TO, RESIDENTS OF FOREIGN COUNTRIES (1968–1983)



others who took other positions in the Office, the number of examining professionals (excluding supervisors) totaled 1,227 at the end of FY 1983.

Recruiting the new examiners involved visiting 168 colleges; conducting about 2,000 interviews; and placing advertisements in a number of magazines, college placement manuals, and college newspapers to attract qualified candidates. Of the 245 examiners hired, 190 were engineers with an overall college grade-point average of 3.06, on a scale of 4.0. Minorities, women, and handicapped represented almost 32 percent of the total new hires. Overall, the average entry grade was a GS-7.

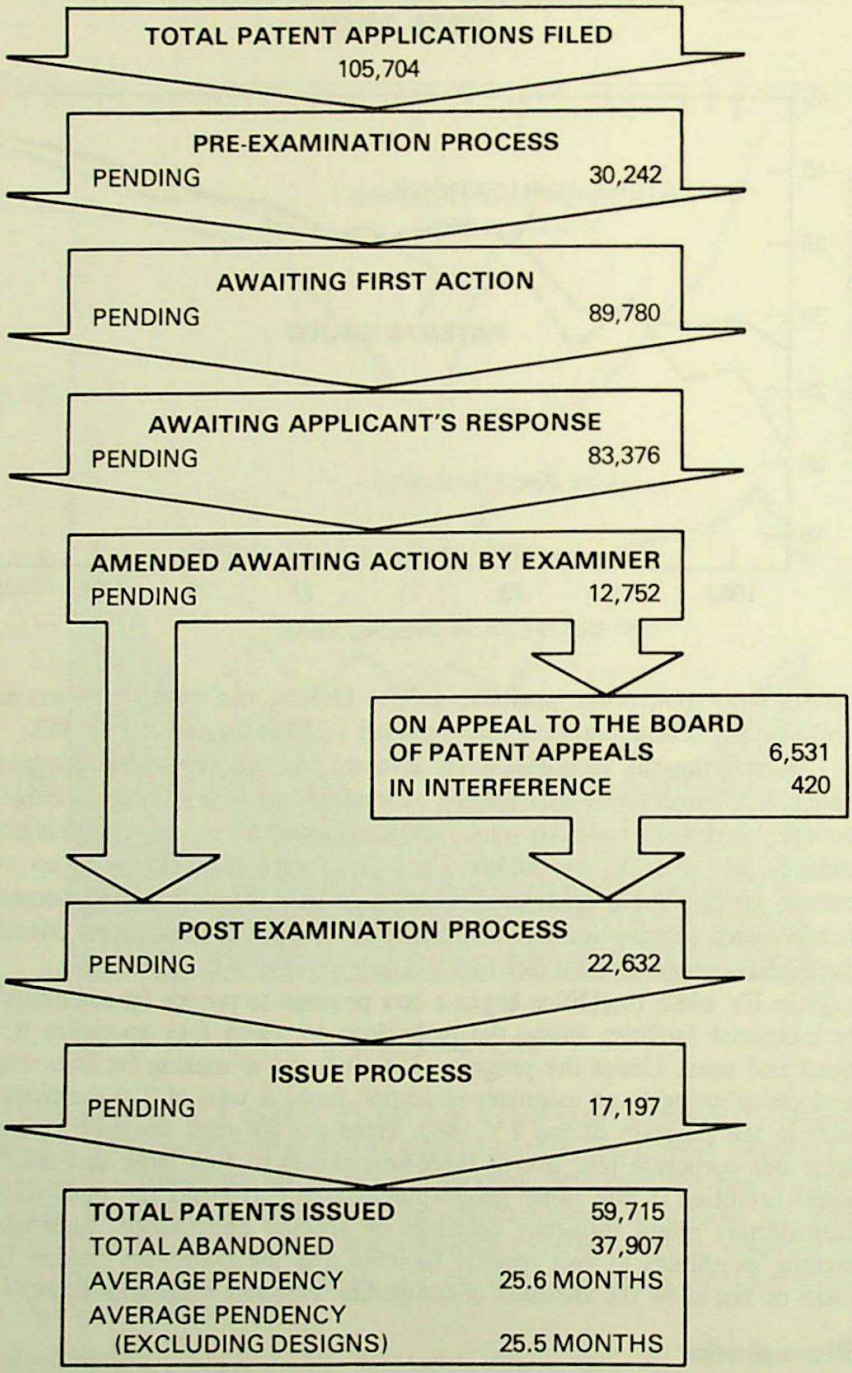
In FY 1982, the Office began a new program to provide for examiners' visits to industrial facilities where the technology in which they specialize is developed and used. Under the program, U.S. industry is making facilities available and contributing to an examiner education fund. A total of 210 examiners took part in the program during FY 1983. Plans call for each examiner to make at least one corporate tour over a three-year period to both large and small technical facilities in the same geographical area. To avoid the possibility that contributors might influence decisions on specific applications, supervisors assigning examiners to visit specific facilities and the examiners making the site visits do not know the identities of companies that have made contributions.

Reexamination

P.L. 96-517, enacted early in FY 1981, allows a patent owner, or a competitor to request the Office to "reexamine" an issued U.S. patent and

FIGURE 7

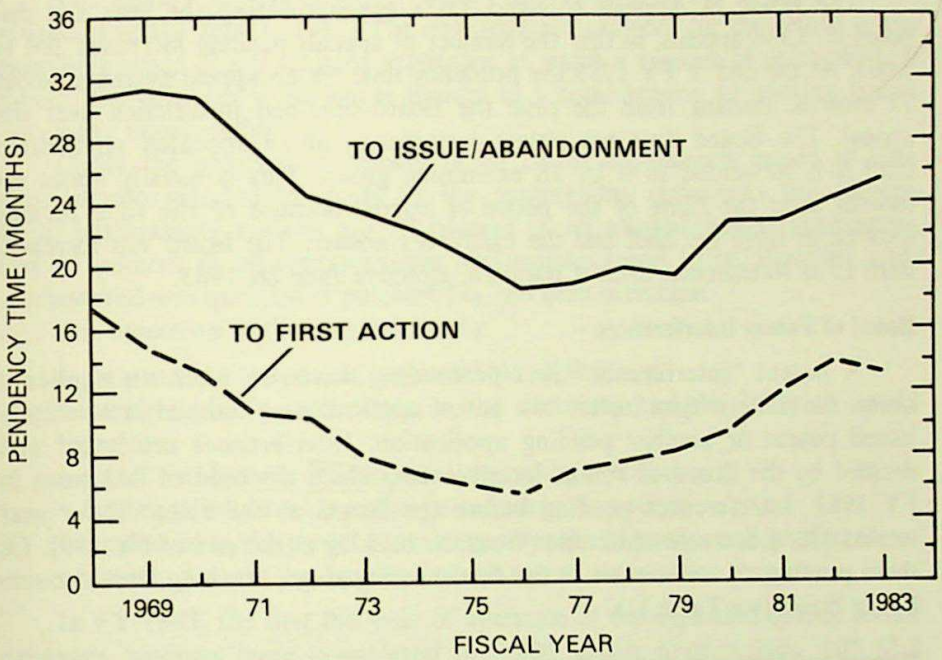
PATENT EXAMINING ACTIVITIES*



*This figure presents a simplified patent work-flow diagram with statistics on cases at various stages of processing at the end of FY 1983.

FIGURE 8

PENDENCY TIME OF PATENT APPLICATIONS (1968–1983)



rule on whether it should be amended or canceled because of evidence of early patents or printed publications cited as the basis for reexamination. This procedure is faster and considerably less expensive than resolution of patent validity issues in litigation. The procedure also permits a review of the patent and the cited art by a patent examiner who is familiar with the technology in question. This should benefit the courts in their handling of patent cases.

The reexamination statute provoked new litigation in the courts. Two published court opinions have reviewed the reexamination statute. In one, the court held it had no jurisdiction to restrain the Office from conducting a then-pending reexamination proceeding.

During FY 1983, the Office received 186 reexamination requests, of which 77 were filed by patent owners. Of the 186 cases, 40 are known to be in litigation. Significantly, of 18 reexamination certificates issued by the end of the year where the patent in question was involved in related litigation, the litigation was settled after the certificate issued by consent decree or stipulated dismissal in 15 of the cases. A substantial new question of patentability has been found, and reexamination ordered in 154 cases. The Office denied reexamination in 32 cases (see Table 10). Reexamination was completed and certificates issued in 102 cases. Of those completed, patentability of all the patent calims was confirmed in 25 cases; claims were modified or added and

patentability confirmed on some existing or modified or added claims in 69 cases; and all claims were canceled in eight cases.

Board of Appeals

The Board of Appeals received 3,678 appeals during the year and disposed of 3,398 appeals, so that the number of appeals pending increased 280 to 5,061. At the end of FY 1983 the pendency time for an appeal averaged about 17 months, starting from the time the Board obtained jurisdiction over the appeal. The Board does not obtain jurisdiction of an appealed application until it is forwarded to it by an examining group. This is usually about six months after the filing of the notice of appeal because of the time periods involved in filing the brief and the examiner's answer. The Board was increased from 15 to 30 examiner-in-chief positions, effective June 26, 1983.

Board of Patent Interferences

A patent "interference" is a proceeding declared when an applicant claims the same subject matter in a patent application as claimed in a recently issued patent or another pending application. Interferences are heard and decided by the Board of Patent Interferences, which disposed of 242 cases in FY 1983. Interferences pending before the Board at the close of the year totaled 420, a decrease of 62 cases from the backlog at the end of FY 1982. Of those pending, 51 cases were at the final hearing stage, awaiting final decision by the Board (see Table 11).

Reissue and Protested Applications

During FY 1983, there were 370 reissue applications filed. This number represents a 25 percent decrease from the filings of the previous fiscal year.

Protests were filed against 44 pending patent applications, down from 47 in FY 1982 and 125 in FY 1981. Protests filed in reissue applications made up 64 percent of the total protests.

Duty of Disclosure

During FY 1983, there were 201 applications referred to the Office of the Assistant Commissioner for Patents for investigation of possible violation of the duty of disclosure under 37 CFR 1.56. Approximately 28 percent of these applications were reissues. There were 151 applications disposed of during the fiscal year—86 were abandoned before the duty of disclosure questions were resolved while 65 were investigated and not found to warrant a finding of fraud or gross negligence.

Effective July 1, 1982, the rule relating to duty of disclosure was amended to provide for rejection of the claims of an application in which it was found that the applicant was not "entitled to a patent under the law" because of fraud practiced or attempted on the Office or the duty of disclosure was violated through bad faith or gross negligence. Under the amended rule, applicants are afforded an opportunity to appeal the rejection to the Board of Appeals. During FY 1983, there were 10 applications rejected for violation of

the duty of disclosure through bad faith or gross negligence. One application was forwarded to the Board of Appeals for decision on appeal.

Quality Review

The quality review program, which had been in effect since 1974, was revised effective July 1, 1982. The new program provides for the return to the examining group of any sampled application in which a question of patentability is raised. The program is no longer limited to a consideration of whether claims are clearly unpatentable.

Under the program, 4 percent of all patent applications passed to issue are computer-selected for study by the patentability reviewers. Also subjected to patentability reviews are 15 percent of all allowed reissue applications and 15 percent of all reexamination applications found to be allowable after a substantial new question of patentability has been overcome.

The objectives of the program are to:

- prevent the allowance of unpatentable applications;
- improve public confidence in the certainty and reliability of issued patents;
- detect trends away from normal examining practice;
- feed back information to the patent examining corps;
- emphasize to the patent examining corps the importance of quality;
- compile data on the "quality" of the patent examination process.

In FY 1983, the first full year of operation of the expanded quality review program, reviews were completed in 2,806 utility applications, 205 (7.3 percent) of which were returned to the examining groups with questions of patentability. Prosecution was reopened in 157 of the 205 applications. Further searches were conducted by the Groups in 89 applications which were returned by the patentability reviewers with questions of adequacy of search. Prosecution was reopened in four of these applications as a result of new art discovered during further searches. Thus prosecution was reopened in 161 (5.7 percent) of the 2,806 applications reviewed.

Results of the quality review program provide useful feedback to management on the reliability of issued patents and the uniformity of examination practices. The results assist immediate supervisors of patent examiners in reviewing the quality of examiner work and in standardizing examiner application of patent laws. These supervisors, of course, play a key role in monitoring patent quality and in the utilization of training programs to eliminate identified areas of weakness.

Patent Cooperation Treaty Functions

In FY 1983 the Office entered its sixth year of operations under the Patent Cooperation Treaty (PCT). The treaty is an international agreement among 33 member countries which permits an inventor or a business to file an international application in the United States with the same effect as an application in as many member countries as are designated. In FY 1983 the

Office received 1,977 international applications as a PCT receiving office, an increase of 5.9 percent over the previous year. Under PCT the Office also serves as an international searching authority for international applications filed in the United States and Brazil. In this capacity the agency completed 1,805 international search reports during FY 1983. The agency also received notification that it had been named a designated office in 2,767 international applications filed worldwide.

International Documentation Activities

The growing awareness among developing countries of the importance of patents and patent information was reflected, in FY 1983, by requests for assistance in establishing patent search files and patent information programs. In response to such requests and in cooperation with the World Intellectual Property Organization, the Office provided expert assistance in patent documentation matters to Malaysia, Singapore and the Peoples Republic of China.

The continuing activity of the International Patent Classification Group, aimed at achieving revision of the International Patent Classification system to reflect more closely the structure of the U.S. Classification System, was particularly successful. Thirteen U.S.-sponsored IPC revision projects were accepted by the other participating nations and will be included in the upcoming Fourth Edition of the IPC.

The Office continued its participation in international documentation matters through membership activities in WIPO organizations.

Patent Search File Integrity

The completeness of the patent search file is critical to the reliability of an issued patent. In 1978 the Office initiated a file integrity program under which, through FY 1982, more than four million U.S. patents in the most active subclasses were reviewed and the accuracy of the associated computer record was improved. During FY 1983, the agency reviewed approximately 750,000 search file documents and approximately 29,000 patent copies were added to the file to replace missing or mutilated documents.

An accurate computer record of search file content is an essential prerequisite for the creation of an automated search file. Current file integrity upgrading is being coordinated with automation program scheduling to assure that the computer record is corrected in advance of search file conversion.

Reclassification

Periodically, selected portions of the patent search file are reviewed to determine the need for new classifications which better correspond to the state of technology. These ongoing reclassification programs constitute an analysis of all patents in a given technology. The Office then restructures the classification system for the new technology to increase the access to and the reliability of the patent search file.

The additional program implemented in FY 1982 to reduce substantially the number of undefined subject matter breakdowns existing in the classification system was continued throughout FY 1983. This program improves the quality of document placement in these subclasses, makes them available to the public in the Public Search Room, will provide for a smoother transition to an automated search file.

The FY 1983 reclassification programs established 2,690 new subclasses and involved 336,258 U.S. and foreign patents. See Table 16 for details.

The number of patents reclassified and clerically processed in FY 1983 is significantly lower than last year. This reduction reflects the redirection of reclassification professional support resources to automation planning and several major disruptions in clerical processing. The latter included a move from the Crystal City complex in Arlington, Virginia to the Navy Yard in Washington, D.C. and conversion of ADP systems to a new vendor. Further, these data do not include the classification and processing of approximately 253,000 new foreign patents into the examiner search file.

Patent Depository Library Program

Four more libraries began acquisition of a collection of U.S. patents in numerical order and were designated as Patent Depository Libraries (PDL's) during FY 1983:

- the University of Nevada-Reno Library;
- the McKinney Engineering Library of the University of Texas at Austin;
- the Alliance College Library in Cambridge Springs, Pennsylvania; and
- the Indianapolis-Marion County Public Library in Indiana.

These libraries—which are located in most of the major metropolitan areas, centers of research and technology, or academic institutions of our nation—bring collections of U.S. patents to within one hour of commuting time to 44 percent of the total population of the United States (based on 1980 census data).

A list of PDL's is printed here, and updated information on these libraries is printed in the Office's *Official Gazette.*

During FY 1983, the Office continued to provide to all PDL's free access to the Classification and Search Support Information System (CASSIS). Through CASSIS, users of patent collections in 28 states can obtain information previously available only in the Public Search Room at the agency offices in Arlington, Virginia.

CASSIS presently enables the user to obtain lists of patents assigned given classifications, obtain original and cross-referenced classifications of given patents, view the structured titles of classifications, and search for key works in those classification titles. Usage of CASSIS during FY 1983 was high: 180,911 queries were addressed to the system, averaging 15,076 queries per month. Enhancements to CASSIS are planned for implementation in the next fiscal year.

PUBLIC PATENT DEPOSITORY LIBRARIES

ALABAMA
Birmingham Public Library

ARIZONA
Tempe—Science Library, Arizona State University

CALIFORNIA
Los Angeles Public Library
Sacramento—California State Library
Sunnyvale—Patent Information Clearinghouse

COLORADO
Denver Public Library

DELAWARE
Newark—University of Delaware Library

GEORGIA
Atlanta—Price Gilbert Memorial Library, Georgia Institute of Technology

ILLINOIS
Chicago Public Library

INDIANA
Indianapolis-Marion County Public Library*

LOUISIANA
Baton Rouge—Troy H. Middleton Library, Louisiana State University

MASSACHUSETTS
Boston Public Library

MICHIGAN
Detroit Public Library

MINNESOTA
Minneapolis Public Library and Information Center

MISSOURI
Kansas City—Linda Hall Library
St. Louis Public Library

NEBRASKA
Lincoln—Engineering Library, University of Nebraska—Lincoln

NEVADA
Reno—University of Nevada Library*

NEW HAMPSHIRE
Durham—University of New Hampshire Library

NEW JERSEY
Newark Public Library

NEW YORK
Albany—New York State Library
Buffalo & Erie County Public Library
New York Public Library, The Research Libraries

NORTH CAROLINA
Raleigh—D.H. Hill Library, North Carolina State University

OHIO
Cincinnati & Hamilton County Public Library
Cleveland Public Library
Columbus—Ohio State University Libraries
Toledo/Lucas County Public Library

OKLAHOMA
Stillwater—Oklahoma State University Library

PENNSYLVANIA
Cambridge Springs—Alliance College Library*
Philadelphia—Franklin Institute Library
Pittsburgh—Carnegie Library of Pittsburgh
University Park—Pattee Library, Pennsylvania State University

RHODE ISLAND
Providence Public Library

SOUTH CAROLINA
Charleston—Medical University of South Carolina Library

TENNESSEE
Memphis & Shelby County Public Library

TEXAS
Austin—McKinney Engineering Library, University of Texas*
Dallas Public Library
Houston—Fondren Library, Rice University

WASHINGTON
Seattle—Engineering Library, University of Washington

WISCONSIN
Madison—Kurt F. Wendt Engineering Library, University of Wisconsin
Milwaukee Public Library

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* New patent depository libraries added in FY 1983.

The Office held the Sixth Patent Depository Library Conference on September 27-30. Sixty-five librarians attended the conference, representing 41 of the 42 PDL's and seven potential PDL's. A preconference training workshop and several major training sessions were conducted. A mini-exhibit was held to enable vendors of patent and trademark information to display and demonstrate their products and/or services to the PDL librarians.

A PDL Fellowship Program was established during FY 1983. Each year a librarian from one of the PDL's will be selected to work for one year at the Office in the PDL Program Office. The first PDL Fellow came from the Denver PDL.

Under a Department of Commerce Strategic Planning Objective to increase the dissemination of technical information contained in patents, the Office initiated significant efforts to increase the number of PDL's, including participating in two national library association annual conferences, holding several regional workshops and university seminars, and converting CASSIS to a new contractor.

Scientific Library

During FY 1983, the Scientific Library installed a security system designed to reduce the loss of library materials.

The library initiated "fast retrieval" inter-library loan system was implemented to make materials available to examiners and others within one day or by the time requested.

It added the function of the Microfilm Inventory Control System Center. This system involves the receipt processing of all foreign patent microfilm and the maintenance of the computer inventory record for this film. The Library also initiated a change whereby all foreign patent documents would be bound instead of being placed in special file boxes to save space and improve file integrity.

Various documentation organizations participated in the development of special collections of literature for genetic engineering and robotics. These are two rapidly expanding subject areas for which there is a high degree of interest and need for information but, due to the infancy of the fields, little prior patent art is available.

For statistical data on continuing activities of the Library and additions to collections see Table 17.

National Inventors Day

Five inventors were inducted into the National Inventors Hall of Fame at the 11th Annual Inventor's Day program on February 13.

George A. Keyworth II, science advisor to President Reagan, was the keynote speaker at the ceremony in the Marriott Crystal Gateway Hotel.

The five were:

- Ernst Alexanderson, born in Sweden, honored posthumously for his invention "High Frequency Alternator," patent No. 1,008,557, issued

Nov. 14, 1911. His invention made radio transmission by voice practical for the first time.

- Andrew Alford, born in Samara, Russia, honored for his invention "Localizer Antenna System," patent No. 2,682,050, issued June 22, 1954. His invention eliminates reflected signals from nearby structures to permit safe aircraft landings in most weather conditions.
- Herbert H. Dow, born in Ontario, Canada, honored posthumously for his invention "Process of Extracting Bromine," patent No. 11,232, reissued April 12, 1892. His invention was a process for extracting bromine from brine, purifying it and converting it to a useful product.
- Robert N. Noyce, born in Iowa, honored for his invention "Semiconductor Device-and-Lead Structure," patent No. 2,981,877, issued April 25, 1961. His invention allowed the replacement of the transistor with a single, tiny slice of etched silicon that could contain one or more transistors integrated into the device.
- George R. Stibitz, born in York, Pa. honored for his invention "Complex Computer," patent No. 2,668,661, issued Feb. 9, 1954. He invented the first computer to perform arithmetic operations in binary fashion, the first placed in routine operation and the first with either remote or multistation terminals.

chapter six
TRADEMARKS

Trademark Applications

Applications to register trademarks declined nearly 31 percent in FY 1983 to 51,014. This decline is attributable to the surge in filings caused by applicants rushing to file in 1982 before the new trademark fees took effect. In the first three months of 1983, filings ran more than 30 percent behind 1982 filings for the same period. Foreign filings totaled 6,006, a decline from the 9,456 applications by foreign residents in FY 1982.

Figures 9 and 10 show historical trends in trademark applications and registrations.

Trademark Registration

Trademark registrations were up to a record 47,685 in FY 1983. The increase resulted from higher output by the trademark examining staff. The process of printing trademark registrations and the trademark section of the weekly *Official Gazette* remained at a normal level in 1983.

Trademark examining attorneys disposed of a record 67,550 applications and took first actions on a record 68,989 applications, which suggests the number of registrations will increase again in 1984.

Trademark Pendency Time

The average trademark pendency time (between filing of the application and its registration or abandonment) was 20.3 months at the end of FY 1983. The time between the filing of an application in the Office and the trademark examiner's first action on the application was 8.3 months at the end of the fiscal year. These pendency times were down from those of FY 1982 (21.3 months for total pendency and 18.4 months to first action). This evidences continued progress toward the PTO's goal of reducing total pendency time to 13 months and reducing time to first action to three months by FY 1985. The total number of trademark applications pending in the Office declined to 118,878 down sharply from 130,529 a year earlier, because of the increased efforts to dispose of amended applications. Figure 11 illustrates the stages in the trademark examining process, and the pendency times associated with each. Figure 12 shows historical trends in trademark pendency times.

Trademark Examining Staff

In 1983 the Office continued to hire more trademark examining attorneys to reduce the pendency time of trademark applications. The staff increased to

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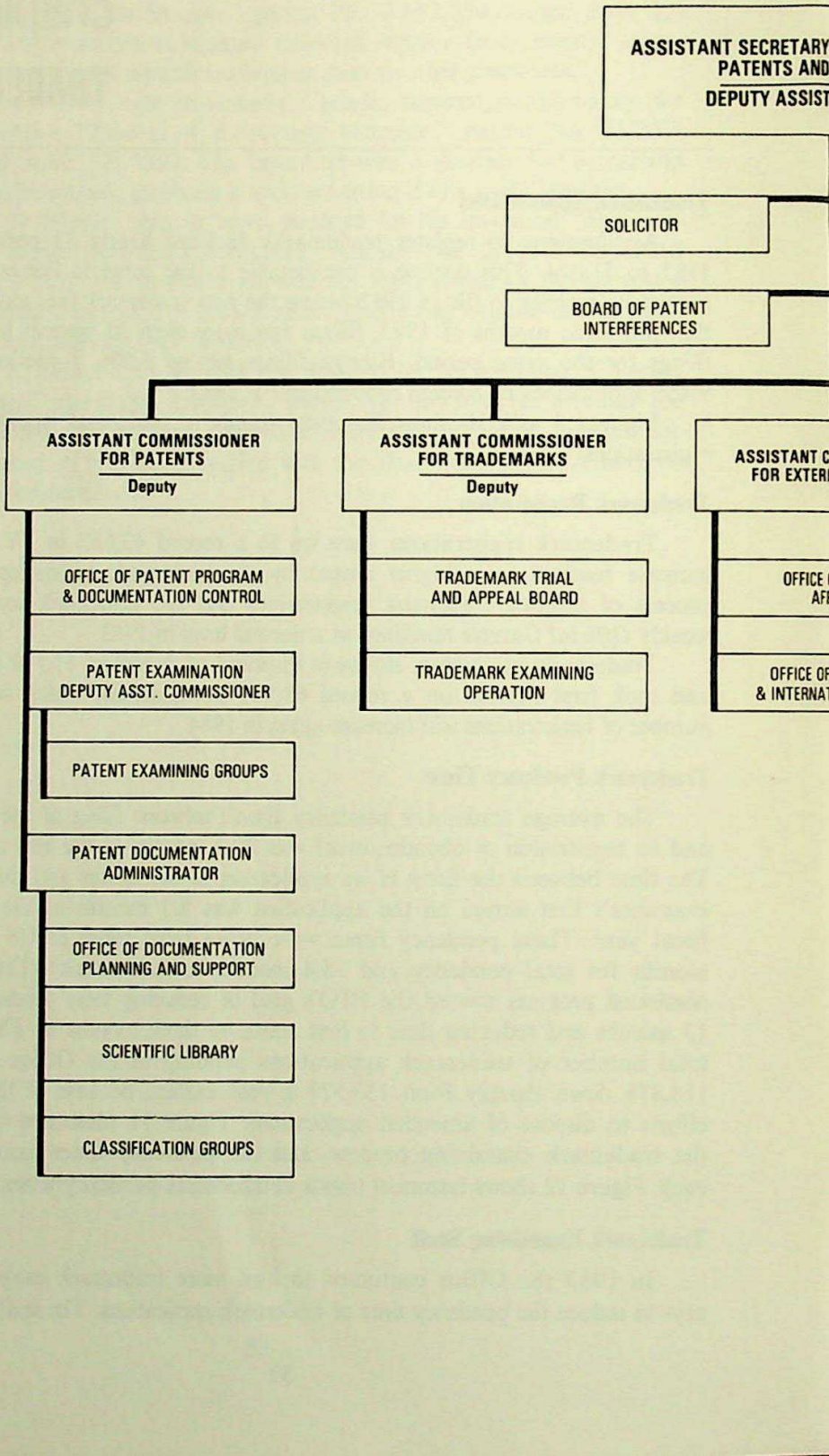

DF COMMERCE
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T SECRETARY

BOARD OF APPEALS

OFFICE OF
QUALITY REVIEW

MISSIONER
AFFAIRS

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ASSISTANT COMMISSIONER FOR ADMINISTRATION
Deputy

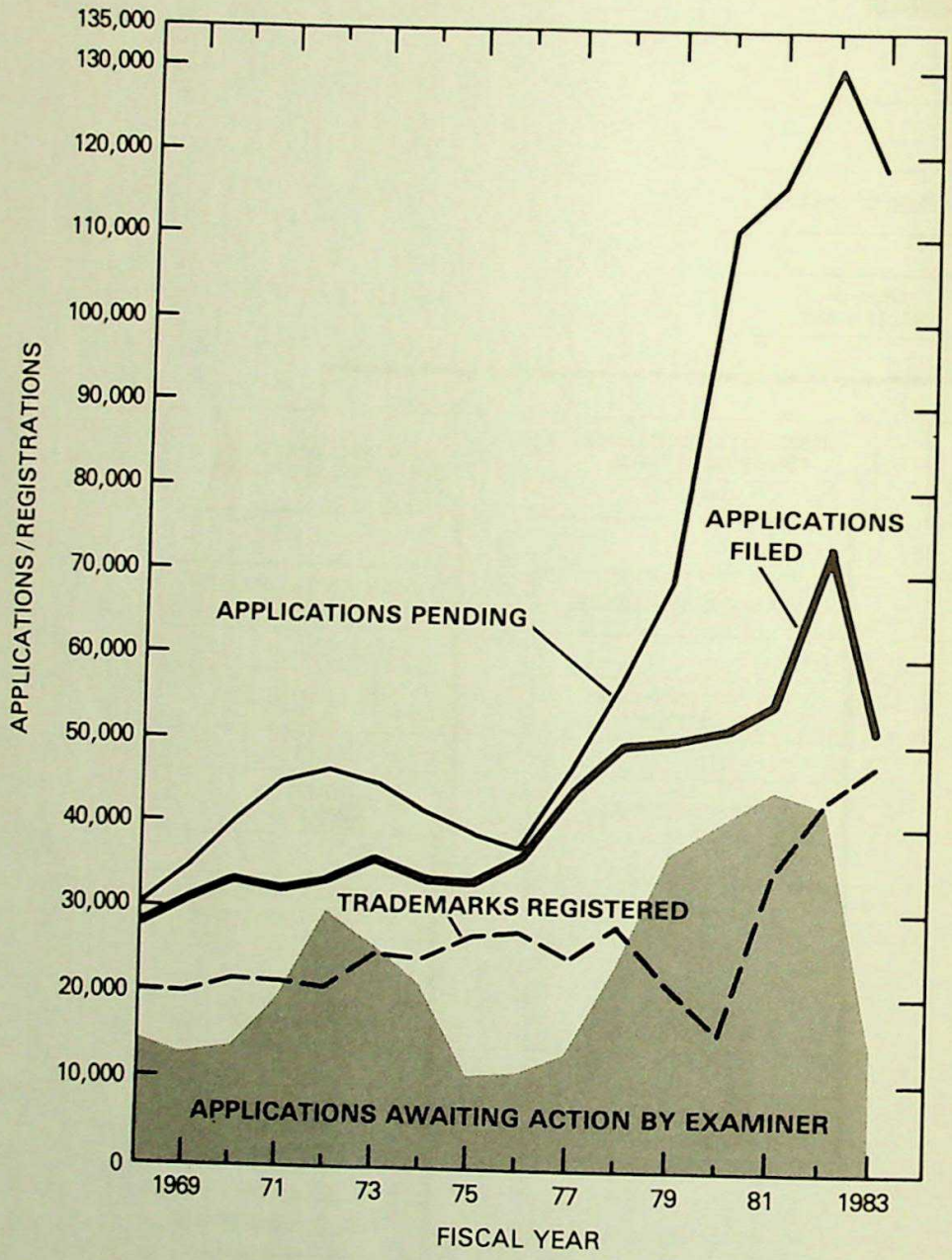
- OFFICE OF GENERAL SERVICES
- OFFICE OF PATENT AND TRADEMARK SERVCIES
- OFFICE OF PERSONNEL
- OFFICE OF PUBLICATIONS
- OFFICE OF EQUAL EMPLOYMENT PROGRAMS
- OFFICE OF MANAGEMENT AND ORGANIZATION

ASSISTANT COMMISSIONER FOR FINANCE AND PLANNING

- OFFICE OF BUDGET, PLANNING AND EVALUATION
- OFFICE OF FINANCE
- AUTOMATION ADMINISTRATOR
- OFFICE OF TECHNOLOGY ASSESSMENT AND FORECAST
- OFFICE OF AUTOMATION CONCEPTS IMPLEMENTATION
- OFFICE OF MICROGRAPHIC SYSTEMS
- OFFICE OF SEARCH SYSTEMS
- OFFICE OF AUTOMATIC DATA PROCESSING

FIGURE 9

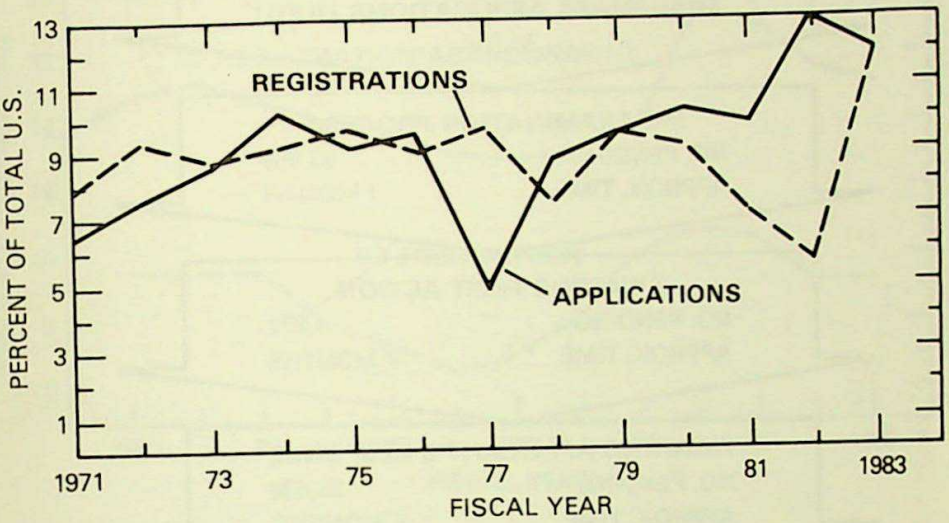
TRADEMARK APPLICATIONS FILED AND PENDING, AND TRADEMARKS REGISTERED (1968–1983)



a record high of 110 examiners, compared to an average of 92 in 1982 and 80 in 1981. The agency hired 42 new examiners in 1983, including hires to replace those who left. The attrition rate for examiners increased in 1983.

FIGURE 10

U.S. TRADEMARK APPLICATIONS AND REGISTRATIONS FROM ABROAD (1971-1983)



Examination Quality

Steps were taken to maintain and improve the quality of the Office's trademark examining work. The Director and his deputy began reviewing samples of examined applications before making decisions on promotions for examiners. The *Official Gazette* was reviewed each week to locate instances where examiners made clear errors in determining whether marks were merely descriptive of the goods or service. Merely descriptive marks were withdrawn from publication and the examination reopened.

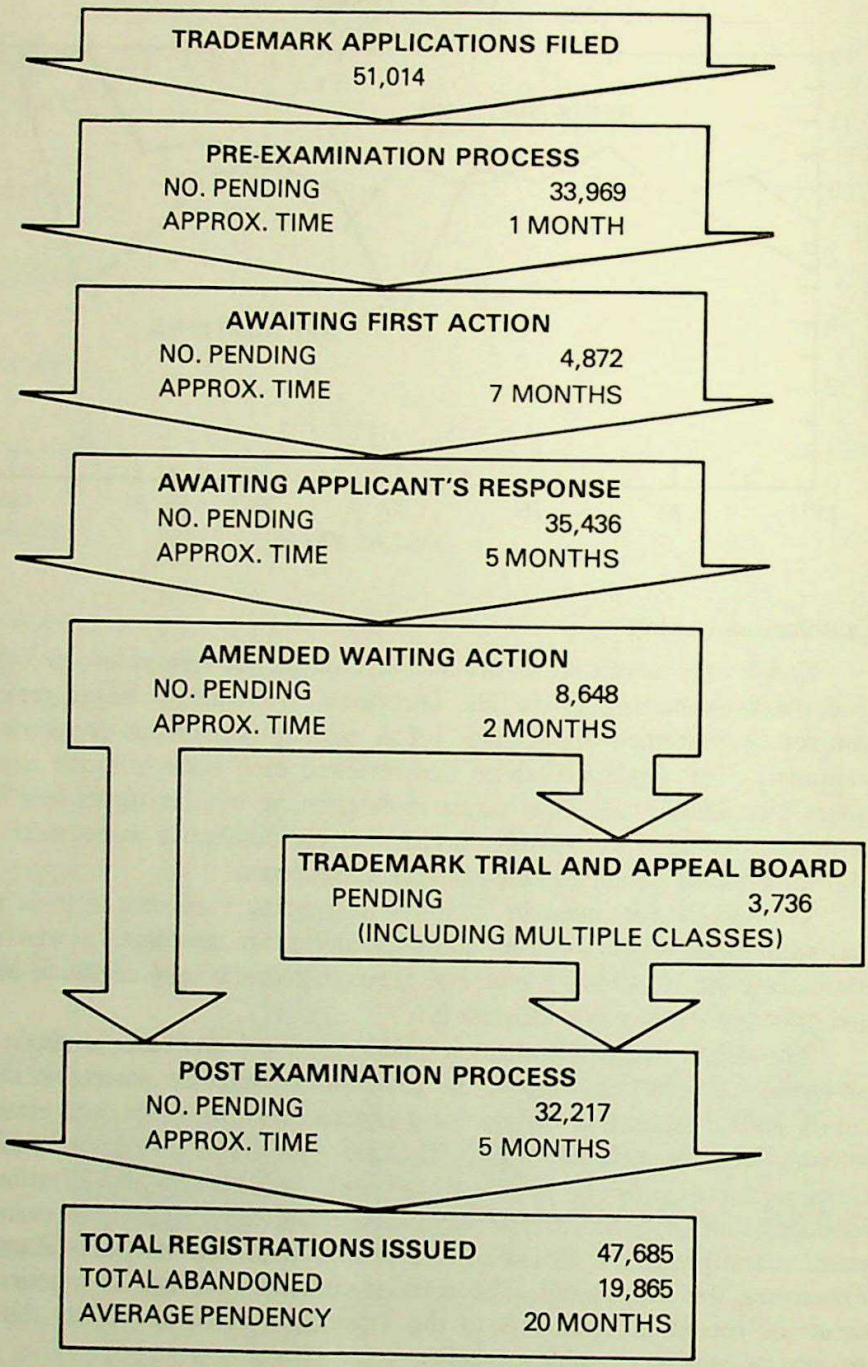
The Office continued its program for sending examiners to trade shows and exhibitions relating to the industries covered by the classes in which they examine. Examiners also attended seminars, continuing legal education courses, and graduate courses in trademark law.

The office issued examination guidelines to the examiners to obtain more uniformity of practice. Among the guidelines issued were acceptable identification and classification listings for goods and services. Eight lead examining attorney positions were established. The lead attorneys, in addition to examining, train junior examiners; advise on problems concerning classification and identification of goods and services; and recommend changes in examining practice and procedure. Revision No. 5 to the *Trademark Manual of Examining Procedure* was completed. The revision contained changes in practice as a result of recent amendments to the Trademark rules, as well as clarifying matters of existing examining practice.

The Office emphasized having examiners do complete first actions, so that the prosecution could be conculded in the fewest actions possible consis-

FIGURE 11

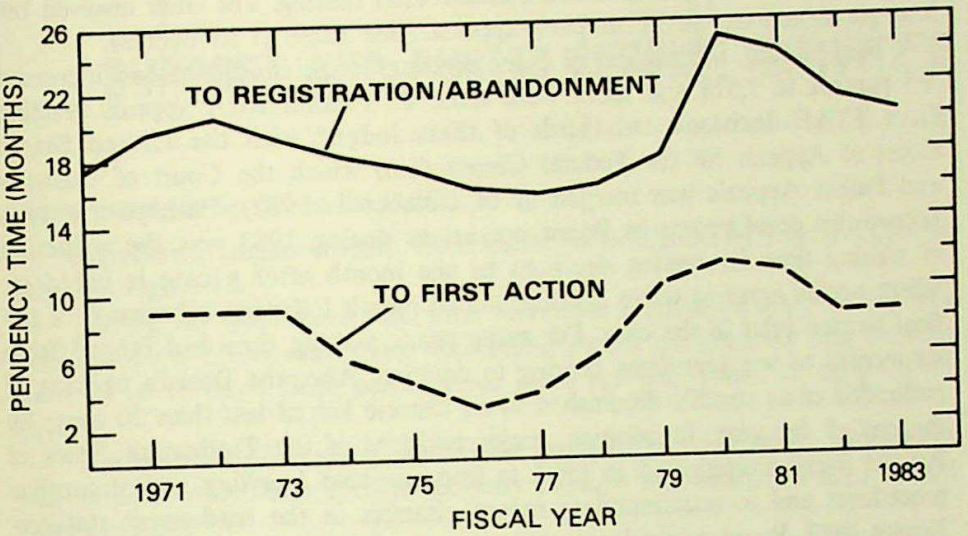
TRADEMARK EXAMINATION ACTIVITIES*



*This figure presents a simplified trademark work-flow diagram with statistics on cases at various stages of processing at the end of FY 1983.

FIGURE 12

PENDENCY TIME OF TRADEMARK APPLICATIONS (1970–1983)



tent with giving the applicant a fair opportunity to respond and making a complete record. Also, examiners were required to act on amended cases no more than three months after receipt of the applicant's response. Consequently, the oldest amended cases in the law offices at the end of the year awaited action less than three months.

Trademark Services

Delays were reduced in some clerical processing functions. Notably, time was shortened for mailing filing receipts, and filing copies of drawings in the Trademark Search Library.

The Office instituted a special service for filling orders for copies of pending application files. In addition, the Trademark docket cards and applicants' index cards were microfilmed.

Two examining law offices and the Trademark Services Division were relocated to the fourth floor of Crystal Plaza Building 2. This marked the first time in several years that all examining operation functions were together on adjoining floors in one building.

Trademark Trial and Appeal Board

The Trademark Trial and Appeal Board is the Office's administrative tribunal for deciding appeals from refusals to register trademarks by the examining operation and for determining certain inter partes trademark proceedings, most of which involve actions to oppose or cancel the registrations of trademarks thought to be confusingly similar to existing marks or otherwise not legally entitled to registration.

In 1983, 3,206 new cases were filed with the Board, a record figure and 14 percent higher than in 1982. The Board disposed of 3,018 cases, 2,497 of these before hearing (typically through settlement, default or motions for judgment) and 521 cases by final Board decisions after hearing. The latter involved 186 inter partes actions and 335 ex parte appeals. (See Table 21 for details).

By year end, the number of cases pending before the Board had increased 5.5 percent to 3,578 and there were some 85 Federal court appeals pending from TTAB decisions, two-thirds of these lodged with the United States Court of Appeals for the Federal Circuit (into which the Court of Customs and Patent Appeals was merged as of October 1, 1982). Perhaps the most noteworthy development in Board operations during 1983 was the reduction of waiting time for issuing decisions to one month after a case is heard or, where parties agree to waive hearing, to one month following submission of the final written brief in the case. For many years, waiting time had ranged from six months to one year from hearing to decision. Also, the Board's backlog of undecided cases steadily diminished to an historic low of less than 20 cases by the end of the year. In addition, major revisions of the Trademark Rules of Practice were promulgated in 1983 to improve case handling and streamline procedures and to accommodate recent changes in the trademark statutes. During 1983, Board professional resources were increased by the appointment of one additional member and one additional interlocutory attorney. The Board, which adjudicates cases in panels of three, had eight members and four interlocutory attorneys at year end.

Trademark Exposition

On July 9 and 10, 1983, the Office, with assistance from the United States Trademark Association, sponsored the first Trademark Exposition at the National Tourist Information Center of the Department of Commerce. The Exposition featured exhibits from trademark owners, including many major corporations. As a result of the Exposition's tremendous success, it will be an annual event.

chapter seven

SUPPORT AND PUBLIC SERVICE ACTIVITIES

Improvements in Service to the Public

Significant improvements were made in timeliness of key services, as shown in Figure 13.

During the past year, the time to record trademark assignments was reduced from 85 to nine days. Recording patent assignments was reduced from 80 to 16 days. Both performance levels are well below the target of 25 days.

The number of days to mail filing receipts for new patent applications was reduced from 56 to 21. (In February 1982, it was taking 100 days to mail filing receipts.)

Integrity checks of file histories were made in many areas including the trademark file repository and all abandoned and patented files in the patent examining groups. Clear accountability for file integrity was established by assignment of individuals to specific areas of the file repositories. An automated file request system was implemented in April 1983 for patent examiners. This allows the Public Contact Representative staff to dedicate more time to handling requests from the public.

As a result of these and other procedural improvements, trademark, patented, and abandoned file histories from the agency file repositories are now being provided to the public and examiners within three hours for 90-95 percent of the files. At the beginning of the fiscal year, it was taking three to five days to fill orders. Files from the Federal Records Center were being provided within five days for most requests. In addition, 65 percent of all files requested by official search were found within 30 days. Almost all of those not found were old files controlled by the Records Center.

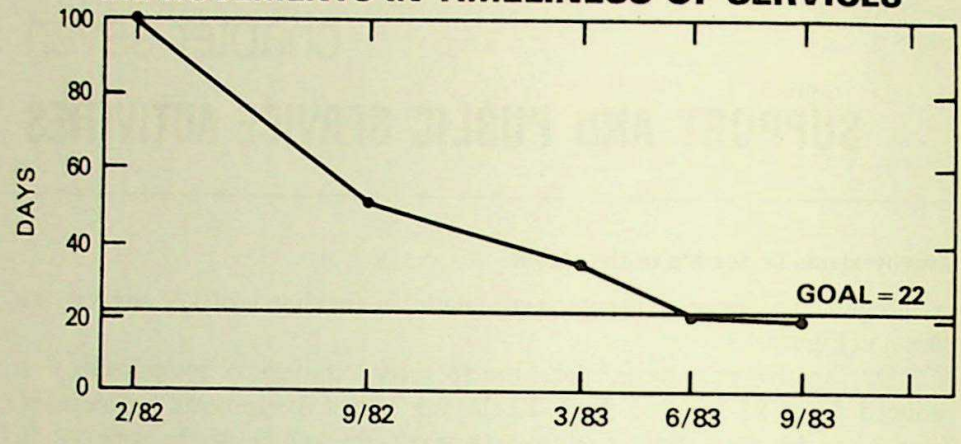
At the beginning of the fiscal year, only 70 percent of window coupon orders for patent and trademark copies were being filled within the target of five days. By the end of the year, 96 percent were being filled on target.

Twenty-three photocopiers were replaced throughout the public use areas, significantly improving copy quality and availability of machines. Two new microfilm reader printers were installed to replace old equipment. Until the other equipment can be replaced, higher magnification lenses were installed in existing microfilm reader printers. The new lenses provide larger, more readable images, and should eliminate any image quality deterioration that had resulted from discoloration of the old lenses.

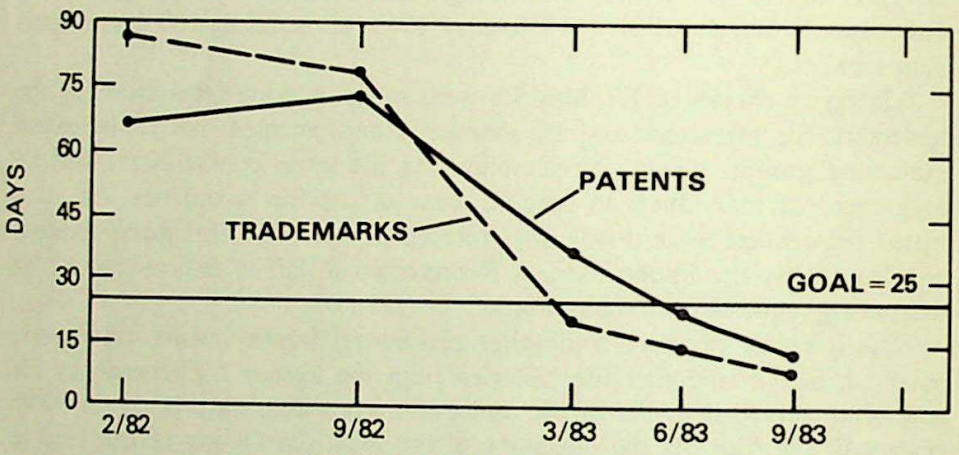
Additional data bases were added to the on-line search system available to users of the Patent Public Search Room. Twenty-seven data bases are now available upon payment of a fee.

FIGURE 13

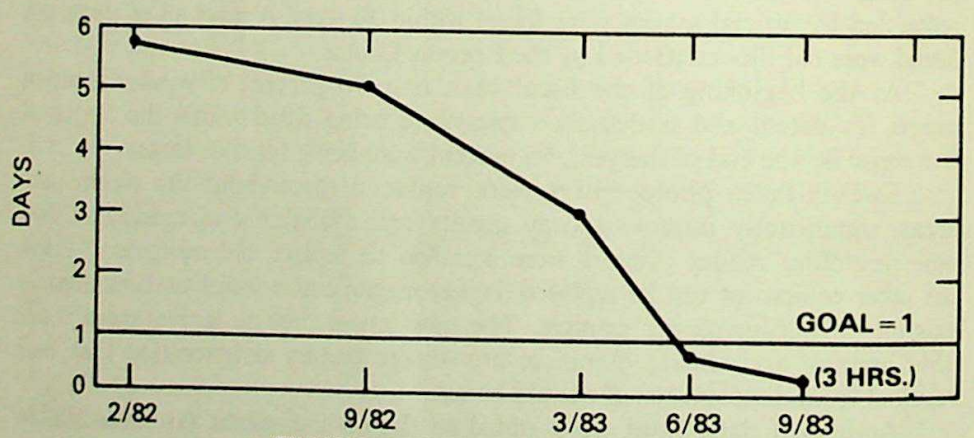
IMPROVEMENTS IN TIMELINESS OF SERVICES



a. MAILING PATENT FILING RECEIPTS



b. RECORDING ASSIGNMENTS



c. FILLING ORDERS FOR FILE HISTORIES
(FILE REPOSITORY)

Five-Point Plan for Improving Internal Operations

Over the past year, the Office implemented a five-point plan to improve internal operations. Accomplishments included:

(1) Upgrading the physical environment—Patent Examining Group 110 was refurbished. This included rehabilitating over 850 pieces of furniture, improving office layouts, and establishing a public reception area. Nine other patent examining group clerical and reception areas were also refurbished. All offices were painted, all air registers were repaired and cleaned, new carpet and wall covering were installed in the Patent Public Search Room, and new lobby directories were installed.

(2) Improving internal communications—An electronic system, PTO Newsline, was implemented to bring employees notices about operations, personnel notes, relevant news items, and graphic data on the progress toward key milestones. Briefing sessions and tours were given to employees, and a slide presentation for orientation of new employees was developed. Managers have taken actions to improve communications and enhance managerial effectiveness and to encourage employee participation in solving problems and improving service.

(3) Ensuring proper dress and demeanor by employees—Employees have been encouraged to dress and behave in a manner appropriate to a first class office.

(4) Improving communications with the public—All organizational units which have significant contact with the public were reviewed to identify how communications with the public can be improved. Specific qualified employees have been identified as contact points and they are being trained in courteous and effective communications techniques. A recognition system for employees rendering outstanding service to the public is being developed.

(5) Establishing a focal point for public inquiries about services and complaints—A Public Service Center was established to respond to public inquiries, complaints, and commendations so that service deficiencies can be resolved and highly motivated, service-oriented employees can be recognized. Initially, the center has focused on helping users who are having problems obtaining copies of patents and trademark registrations, copies of other official documents, and patent and trademark file histories.

Employee Suggestions to Improve Internal Operations

Annual savings of over $598,000 and improvements in the effectiveness of operations in the agency are expected as the result of employee suggestions.

Under the Department of Commerce's Save Money and Reduce Taxes (S*M*A*R*T) Bonus program, employees are given monetary awards based on the amount of savings expected for adopted suggestions. The Office exceeded the goal established by the Department by 251 percent. Employees submitted 291 suggestions, 49 of which were adopted for implementation.

Contracting Out Work Previously Performed 'In-House'

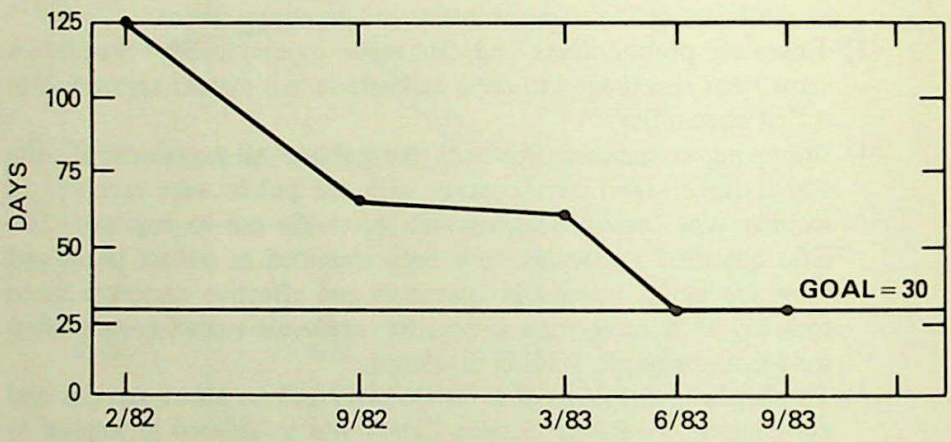
Under the guidelines of Office of Management and Budget Circular Number A-76, a contract was awarded to a private firm for the maintenance of files in the files repositories, the public search rooms, and portions of the Scientific Library. The savings to the government of having this function performed by a contractor is estimated to be $172,150 over three years.

Pre-Examination Processing

A major milestone in reaching 18-month pendency for patents was met in FY 1983. The pre-examination inventory goal of 9,100 applications was reached in June 1983 (see Figure 14). This represents making new applications available to the patent examining corps within 30 days. The pre-examination backlog was over 30,000 cases in February 1982, when it was taking 124 days to get the applications to the examining corps.

FIGURE 14

NEW APPLICATIONS TO PATENT CORPS



appendix

STATISTICAL TABLES

Table 1.—OBLIGATIONS

(In Thousands of Dollars)

	1981	1982	1983
BUDGET ACTIVITIES:			
Patent Process	$71,580	$77,933	$93,806
Automation—Patent Process	...	...	2,225
Trademark Process	7,189	8,219	9,723
Automation—Trademark Process	...	...	517
Information Dissemination	22,940	21,784	25,199
Automation—Information Dissemination	...	...	250
Executive Direction and Administration	14,285	16,294	10,851
Automation—EXAD	...	...	9,642
Total Obligations	115,994	124,230	152,213
SALARIES AND EXPENSES:			
Personnel Compensation	76,087	82,353	96,581
Personnel Benefits	6,829	7,676	9,722
Printing and Reproduction	14,804	14,973	16,329
Other Obligations	18,274	19,228	29,581
Total Salaries and Expenses	$115,994	$124,230	$152,213

Table 2.—TOTAL FUNDING AVAILABILITIES[1]

(1974–1983)

Fiscal Year	Appropriations[2]	Fee Collections[3]	Prior Year Unobligated Balances	Total Funding Availability[4]	Program Funding Changes[5,6]
1974.....	$71,982	(28,822)	. . .	$71,982	$ 921
1975.....	77,566	(27,761)	. . .	77,566	-446
1976.....	85,350	(28,240)	. . .	85,350	1,624
1977.....	89,400	(27,980)	. . .	89,400	-1,497
1978.....	94,321	(27,722)	. . .	94,321	1,458
1979.....	96,654	(27,111)	. . .	96,654	-1,692
1980.....	104,833	(27,192)	. . .	104,833	32
1981.....	116,150	114 (29,493)	. . .	116,264	3,809
1982.....	125,335	252 (28,535)	. . .	125,587	3,374
1983.....	78,441	82,734	1,105	[7]162,280	16,875

[1] In thousands of dollars.

[2] Includes "supplemental appropriations" funding approved by the Congress to be added to the PTO's regular appropriations to cover certain changed circumstances—most commonly pay increases.

[3] Fee collections in parentheses are non-adds. Prior to 1983 all fee collections, except patent reexamination fees, were returned to the U.S. Treasury and were not retained by the PTO.

[4] Beginning in 1982 all current year unobligated balances could be carried forward for use in the next fiscal year.

[5] Program changes in funding levels from the previous fiscal year, excluding pay raises and other uncontrollable increases.

[6] For the period 1974-1982, program changes relate only to appropriations.

[7] Excludes $54,390 recoveries of prior year obligations and $83,077 in Federal reimbursements.

Table 3.—END OF YEAR EMPLOYMENT[1]

(1977–1983)[1]

	1977	1978	1979	1980	1981	1982	1983
BUDGET ACTIVITIES:[2]							
Executive Dir. and Admin.	341	358	358	353	388	[3]414	[3]433
Information Dissemination	795	716	678	630	687	[3]534	[3]542
Patent Process	1,533	1,569	1,495	1,409	1,459	1,658	1,923
Trademark Process	153	148	172	191	221	244	270
Total Budget Activities Employment	2,822	2,791	2,703	2,583	2,755	2,850	3,168
PERSONNEL STAFFING:							
Patent Professional	1,063	1,064	995	949	985	1,175	1,361
Trademark Professional	72	68	79	88	98	106	118
All Others	1,687	1,659	1,629	1,546	1,672	1,569	1,689
Total Personnel Staffing	2,822	2,791	2,703	2,583	2,755	2,850	3,168

[1] Total paid employment, including full time permanent and others.

[2] The names of the PTO activities were changed in FY 1981, but the activities remained essentially the same.

[3] Reorganization to establish Automation Organizations.

Table 4.—INCOME FROM FEES

(In Thousands of Dollars)

Source of Income	1980	1981	1982	1983
PATENT PROCESS FEES, LARGE ENTITY				
Utility Patent Applications	6,655	7,074	7,068	20,737
Design Patent Applications	152	159	166	440
Plant Patent Applications	12	10	13	23
Reissue Patent Applications	38	34	26	65
Patent Application Claims	2,747	2,930	3,060	3,473
Extensions of Time	N/A	N/A	N/A	3,442
Appeals & Briefs	729	707	686	1,406
Petitions & Revivals	38	36	35	490
Utility Patent Issues	8,891	10,013	8,968	20,497
Design Patent Issues	122	149	147	376
Plant Patent Issues	14	17	12	5
Subtotal, Large Entity	19,398	21,129	20,181	50,954
PATENT PROCESS FEES, SMALL ENTITY				
Utility Patent Applications	N/A	N/A	N/A	4,023
Design Patent Applications	N/A	N/A	N/A	266
Plant Patent Applications	N/A	N/A	N/A	14
Reissue Patent Applications	N/A	N/A	N/A	12
Patent Application Claims	N/A	N/A	N/A	525
Extensions of Time	N/A	N/A	N/A	377
Appeals & Briefs	N/A	N/A	N/A	120
Revivals	N/A	N/A	N/A	83
Utility Patent Issues	N/A	N/A	N/A	2,938
Design Patent Issues	N/A	N/A	N/A	159
Plant Patent Issues	N/A	N/A	N/A	7
Subtotal, Small Entity	0	0	0	8,524
Total, Patent Process Fees	19,398	21,129	20,181	59,478
TRADEMARK PROCESS FEES				
Applications	1,829	2,000	2,374	9,359
Renewals	171	150	149	1,583
Amendments & Disclaimers	7	8	7	47
Use/Non-Use Affidavits	164	171	174	2,256
Cancellations & Oppositions	40	50	63	453
TTAB Appeals	5	7	18	78
Other Trademark Proc Fees	8	10	17	92
TM Share of Service Fees	...	...	...	787
Total, Trademark Process Fees	2,224	2,396	2,802	14,655
SERVICE FEES				
Patent & Trademark Copy Sales	1,616	1,847	1,531	2,853
Farecards for Copy Machines	N/A	N/A	N/A	599
Reproduction of Records	753	814	819	1,561
Certification of Records	101	106	114	386
Certificates of Correction	38	45	50	78
Abstracts of Title	N/A	N/A	N/A	129
Recording Assignments	1,653	1,836	1,879	2,649
Disclosure Documents	98	90	83	96
Statutory Disclaimers	24	24	24	98
Reexamination Requests	N/A	114	252	212
PCT Applications	297	346	249	562
Miscellaneous Services	990	746	551	165
TM Share of Service Fees	...	...	...	-787
Total Service Fees	5,570	5,968	5,552	8,601
TOTAL INCOME FROM FEES	27,192	29,493	28,535	82,734

Table 5.—SUMMARY OF PATENT EXAMINING ACTIVITIES

(As of September 30, 1983)

Patent Examining Activity	1981	1982	1983	Average 1975-84
PATENT APPLICATIONS FILED				
Utility[1]	106,828	116,052	96,847	103,233
Reissue	538	486	370	521
Plant	147	193	231	171
Design	7,197	8,069	8,256	7,002
Total Patent Appls. Filed	114,710	124,800	105,704	110,927
FIRST ACTIONS				
Design	7,182	6,066	7,132	6,304
All Others[3]	83,497	89,777	113,010	100,001
PATENT APPLICATIONS ALLOWED[2]				
Design	5,311	4,458	5,276	4,482
All Others[3]	58,187	54,484	64,376	66,209
Total Patent Appls. Allowed	63,498	58,942	69,652	70,691
PATENT APPLICATIONS ABANDONED				
Design	2,525	2,015	2,352	1,993
All Others[3]	30,058	29,099	35,555	33,860
Total Patent Appls. Aband.	32,583	31,114	[5]37,907	35,853
TOTAL PATENT APPLICATION DISPOSALS[4]	96,081	90,056	107,559	106,544
PATENTS ISSUED[6]				
Utility	66,617	59,449	54,744	64,773
Reissue	343	284	351	359
Plant	168	120	219	171
Design	3,882	5,299	4,401	4,192
Total Patents Issued	71,010	65,152	59,715	69,495
PATENTS WITHHELD FROM ISSUANCE[7]	2,004	2,130	1,576	2,039
PENDENCY TIME OF AVERAGE PATENT APPLICATION[8]	22.4	24.2	25.5	—
REEXAMINATIONS REQUESTED[9]	78	187	186	—
REEXAMINATION CERTIFICATES ISSUED	0	21	102	—
PCT SEARCH REPORTS PREPARED[10]	2,045	1,705	1,805	—
PCT INTERNATIONAL APPLICATIONS RECEIVED[10]	1,797	1,867	1,977	—

[1] Chemical, electrical, and mechnical applications.

[2] "Allowed Patent Applications" are applications awaiting issuance (i.e., publication) as patents.

[3] Utility, plant, and reissue applications.

[4] Disposals by examiners—i.e., the sum of applications allowed and applications abandoned. Final disposals can be obtained by adding patents issued and applications abandoned. The Office measures the productivity of examiners in "production units", formerly called "balanced disposals." Production units are obtained by averaging first actions and examiners disposals.

[5] Abandonments include estimated abandonments reflecting new abandonment counting procedures resulting from P.L. 96-517.

[6] Excludes withdrawn numbers.

[7] For nonpayment of final issue fee (35 U.S.C. 151).

[8] Average time (months) between filing and issuance/abandonment of utility, plant, and reissue applications (excluding designs).

[9] Reexamination was instituted on July 1, 1981, in accordance with provisions of P.L. 96-517.

[10] PCT entered into force on January 24, 1978, and applications were accepted for filing beginning June 1, 1978.

Table 6.—PATENT APPLICATIONS FILED

(1964–1983)

Year	Utility[1]	Design	Plant	Reissue	Total
1964	87,482	5,067	147	207	92,903
1965	88,908	5,319	89	237	94,553
1966	93,022	5,187	103	266	98,578
1967	88,167	4,774	100	241	93,282
1968	90,252	4,889	107	304	95,552
1969	96,342	5,432	103	376	102,253
1970	100,116	5,722	113	344	106,295
1971	103,733	6,057	161	266	110,217
1972	102,663	6,358	166	293	109,480
1973	100,900	5,541	109	382	106,932
1974	103,479	4,948	109	391	108,927
1975	101,283	5,751	163	465	107,662
1976[2]	101,807	6,838	144	438	109,227
1977[2]	101,821	7,186	202	564	109,773
1978	100,473	7,440	171	660	108,744
1979	99,516	7,070	166	657	107,409
1980	104,219	7,269	186	641	112,315
1981	106,828	7,197	147	538	114,710
1982	116,052	8,069	193	486	124,800
1983	96,847	8,256	231	370	105,704

[1] Chemical, electrical, and mechanical applications.
[2] The Transition Quarter, July 1, 1976, to September 30, 1976, has been omitted.

Table 7.—SUMMARY OF PENDING PATENT APPLICATIONS

(As of September 30, 1983)

Stage of Processing	Utility, Plant and Reissue Applns.	Design Applns.	All Pat. Applns.
IN PREEXAMINING PROCESSING	28,857	1,385	30,242
UNDER EXAMINATION			
Awaiting First Action by Examiner	77,982	11,798	89,780
Rejected, Awaiting Response by Applicant[1]	80,397	2,979	83,376
Amended, Awaiting Action by Examiner	12,392	360	12,752
In Interference	417	3	420
On Appeal	6,438	93	6,531
Total Under Examination	177,626	15,233	192,859
IN POSTEXAMINATION PROCESSING			
Awaiting Payment of Issue Fee	18,903	1,015	19,918
D-10's (Secret Cases in Condition for Allowance)	2,714	0	2,714
Total in Postexamination Processing	21,617	1,015	22,632
IN ISSUE PROCESSING			
In Process in PTO-Fee Paid	4,945	1,072	6,017
In Process with Printer-Fee Paid	10,420	760	11,180
Total in Issue Processing-Fee Paid	15,365	1,832	17,197
TOTAL PENDING IN PATENT AND TRADEMARK OFFICE	243,465	19,465	262,930

[1] Includes inventory adjustment reflecting new abandonment counting procedures resulting from P.L. 96-517.

Table 8.—PATENTS PENDING PRIOR TO ALLOWANCE[1]

(1964–1983)

Year	Awaiting Action by Examiner[2]	Total Applns. Pending[3]	Year	Awaiting Action by Examiner[2]	Total Applns. Pending[3]
1964	129,151	226,066	1974	47,411	162,447
1965	149,284	212,416	1975	41,916	146,464
1966	147,664	214,664	1976[4]	43,776	142,379
1967	136,672	205,768	1977[4]	60,706	144,542
1968	109,509	194,087	1978	57,031	144,056
1969	103,704	[5]196,338	1979	50,085	151,702
1970	81,548	192,575	1980	64,289	167,533
1971	64,890	190,103	1981	71,033	181,727
1972	70,477	189,177	1982	87,659	216,509
1973	64,940	175,281	1983	102,532	223,101

[1] Pending at end of period indicated including utility, reissue, plant, and design applications. Does not include allowed applications.
[2] Through 1965, includes applications having suspended actions.
[3] Applications awaiting examination, including those in preexamination processing.
[4] The Transition Quarter, July 1, 1976, to September 30, 1976, has been omitted.
[5] Revised.

Table 9.—PATENTS ISSUED[1]

(1964–1983)

Year	Utility[2]	Design	Plant	Reissue	Total
1964	44,050	3,019	147	203	47,419
1965	52,914	2,979	127	204	56,224
1966	66,243	3,638	105	238	70,224
1967	70,028	2,840	102	180	73,150
1968	61,599	3,539	67	185	65,390
1969	61,957	2,991	80	201	65,229
1970	66,339	3,401	80	311	70,131
1971	[3]70,387	3,097	77	222	[3]73,783
1972	83,221	3,032	170	264	86,687
1973	[4]67,552	3,441	146	274	[4]71,413
1974	79,300	4,439	211	367	84,317
1975	[5]70,179	3,632	155	398	[5]74,364
1976[6]	[5]75,325	4,781	195	434	[5]80,735
1977[6]	67,972	4,261	164	435	72,832
1978	65,963	3,797	194	366	70,320
1979	51,686	3,269	151	312	55,418
1980	56,618	4,167	137	305	61,227
1981	66,617	3,882	168	343	71,010
1982	59,449	5,299	120	284	65,152
1983	54,744	4,401	219	351	59,715

[1] Excludes withdrawn numbers beginning with FY 1978.
[2] Chemical, electrical, and mechanical applications.
[3] Does not include 1,300 voided numbers.
[4] Does not include 1,418 voided numbers.
[5] In 1975, under the trial voluntary protest program (now abolished), an additional 667 applications were published but not issued: in 1976, there were 1,303 published but not issued.
[6] The Transition Quarter, July 1, 1976, to September 30, 1976, has been omitted.

Table 10.—REEXAMINATION

	7/1/81—9/30/81[1]	1982	1983
REQUESTS FILED			
By patent owner	18	68	77
By third party	60	116	106
Commissioner ordered	0	3	3
Total	78	187	186
DETERMINATIONS ON REQUESTS			
Requests granted			
By examiner	30	156	151
By petition	2	7	3
Requests denied	2	39	32
Total	34	202	186
REQUESTS HAVING RELATED LITIGATION	30	37	40
COURT ORDERED REEXAMINATIONS	4	3	0
AVERAGE AGE OF PATENTS (years)	6.99	5.17	5.15
AGE RANGE OF PATENTS (years)	0.47-18.25	0.25-21.08	0.01-19.23
AVERAGE CLAIMS PER REQUEST	13.20	14.56	15.45
AVERAGE REFERENCES PER REQUEST	9.36	8.22	11.76
FILINGS BY DISCIPLINE			
Chemical	23	57	63
Electrical	25	59	52
Mechanical	30	71	71
Total	78	187	186

[1] Reexamination was instituted on July 1, 1981, in accordance with provisions of P.L. 96-517.

Table 11.—SUMMARY OF CONTESTED PATENT CASES

(Within the Patent and Trademark Office)

Patent and Trademark Office Tribunal	Totals
BOARD OF PATENT APPEALS	
Cases Pending as of 9/30/82:	
Appeals	4,781
Reconsideration	111
Total	4,892
Cases Filed During FY 83:	
Appeals	3,678
Reconsideration	354
Total	4,032
Total	8,924
Disposals During FY 83:	
Affirmed	2,277
Affirmed-In-Part	228
Dismissed	2
Reversed	695
Suspended	0
Withdrawn	196
Reconsiderations	387
Total Disposals	3,785
Total Cases Pending as of 9/30/83[1]	5,139
BOARD OF PATENT INTERFERENCES	
Interferences Pending as of 9/30/82	482
Interferences Declared During FY 83	180
Total	662
Disposals:	
Interferences Terminated	242
Total Interferences Awaiting Final Board Disposition as of 9/30/83:	
Awaiting a Final Decision	20
Awaiting the Setting of a Final Hearing	18
Set for Final Hearing	13
Total Interferences Awaiting Final Board Disposition	51
Total Interferences Pending as of 9/30/83	420

[1] Reconsideration pending 9/30/83 included: 78.

Table 12.—U.S. GOVERNMENT AGENCY PATENTS[1]

(1973-1983)

Agency	1973	1974	1975	[2]1976	[2]1977	1978	1979	1980	1981	1982	1983	Total (1973-1983)
Agriculture	97	127	130	159	104	70	39	54	53	46	45	924
Air Force	171	160	139	164	183	137	115	159	123	89	120	1,560
Army	384	446	301	374	376	262	214	233	229	196	205	3,220
AEC[3]	220	276	111	0	0	0	0	0	0	0	0	607
Commerce	3	3	5	14	7	5	9	6	5	7	5	69
Energy	0	0	131	273	224	198	166	159	234	210	170	1,765
State	0	2	0	3	1	1	0	0	0	0	0	7
Transportation	0	7	7	11	0	0	4	3	5	1	0	38
NSA	0	0	0	0	0	0	2	1	1	2	1	7
EPA	2	6	6	9	4	3	4	3	10	1	3	51
FAA	2	1	0	0	0	0	3	0	0	0	0	6
FBI	0	1	0	0	0	0	0	0	0	0	0	1
HEW/HHS	22	39	34	40	17	31	20	23	27	19	26	298
Interior	48	57	56	67	68	59	20	35	43	27	23	503
Library of Congress	0	0	0	1	1	0	0	0	0	0	0	2
NASA	187	285	149	139	93	117	81	74	70	73	114	1,382
NSF	0	0	0	1	0	0	0	0	0	0	0	1
Navy	639	626	522	731	535	363	299	390	326	319	278	5,028
Postal Service	0	0	0	1	4	1	0	0	2	0	0	8
TVA	7	4	4	8	5	2	0	0	0	0	0	30
Treasury	1	0	0	0	0	1	0	0	2	1	1	6
VA	0	2	3	1	1	2	1	2	0	2	0	14
USA[4]	17	8	15	33	45	30	13	14	12	12	2	201
Justice	0	0	0	0	0	0	2	0	0	0	0	2
FCC	0	0	0	0	5	1	0	0	2	2	0	10
Total	1,800	2,050	1,613	2,029	1,673	1,283	992	1,156	1,144	1,007	993	15,740

[1] Data in this table represent patents assigned to agencies at the time of patent issue.
[2] The Transition Quarter, July 1, 1976, to September 30, 1976, has been omitted.
[3] AEC absorbed into DOE in 1976.
[4] United States of America—no agency indicated in data base.

Table 13.—PATENTS ISSUED TO RESIDENTS OF THE UNITED STATES

(1976–1983)[1]

State/Territory	[2]1976	[2]1977	1978	1979	1980	1981	1982	1983
Alabama	265	208	205	163	201	196	218	190
Alaska	34	26	29	18	31	12	20	10
American Samoa	13	5	4	3	8	0	0	0
Arizona	511	481	464	382	446	555	460	502
Arkansas	102	102	108	65	73	102	66	95
California	7,101	6,923	6,211	4,839	5,335	6,038	5,481	4,841
Canal Zone	5	2	4	4	2	1	0	0
Colorado	649	617	561	471	528	593	534	457
Connecticut	1,752	1,552	1,385	1,086	1,210	1,273	1,202	1,113
Delaware	513	413	384	264	271	326	298	225
District of Columbia	83	70	62	58	58	76	47	33
Florida	1,085	1,096	1,051	798	1,024	1,258	1,062	917
Georgia	383	337	346	311	337	424	410	338
Guam	4	1	3	2	1	0	0	0
Hawaii	51	43	41	32	32	49	31	30
Idaho	94	80	73	60	80	88	86	68
Illinois	4,173	3,751	3,390	2,581	2,868	2,882	2,702	2,334
Indiana	1,177	1,069	998	813	865	1,016	1,013	919
Iowa	446	451	366	261	331	379	324	283
Kansas	351	302	307	256	255	251	202	183
Kentucky	323	281	288	227	262	282	287	251
Louisiana	404	352	319	266	282	327	289	268
Maine	61	52	71	53	61	86	84	66
Maryland	1,072	861	829	665	702	770	749	643
Massachusetts	2,192	1,860	1,758	1,475	1,555	1,754	1,602	1,394
Michigan	2,691	2,474	2,373	1,875	2,130	2,457	1,912	1,825
Minnesota	1,082	968	905	786	851	975	871	898
Mississippi	100	74	76	68	68	81	68	55
Missouri	728	651	687	474	613	729	583	469
Montana	48	45	65	35	55	71	45	38
Nebraska	140	130	119	108	109	129	125	110
Nevada	85	111	105	84	88	103	100	116
New Hampshire	171	176	170	137	160	174	203	185
New Jersey	4,188	3,687	3,594	2,719	2,913	3,279	3,022	2,752
New Mexico	145	116	104	68	105	119	104	99
New York	5,109	4,737	4,259	3,168	3,406	3,812	3,574	2,999
North Carolina	576	540	529	409	491	600	509	444
North Dakota	45	44	58	30	35	30	42	26
Ohio	3,223	2,898	2,761	2,026	2,165	2,624	2,299	2,066
Oklahoma	725	618	655	519	592	709	628	574
Oregon	357	328	349	281	314	357	310	295
Pennsylvania	3,583	3,223	3,029	2,277	2,410	2,797	2,449	2,188
Puerto Rico	14	25	25	15	9	27	18	11
Rhode Island	217	209	164	128	143	137	132	126
South Carolina	274	233	281	183	232	260	264	237
South Dakota	48	43	40	27	17	38	33	29
Tennessee	416	374	372	311	376	451	378	352
Texas	2,235	2,063	2,037	1,606	1,789	2,030	1,997	1,900
Utah	242	225	191	169	213	217	198	184
Vermont	70	75	79	61	56	85	80	78

Table 13.—PATENTS ISSUED TO RESIDENTS OF THE UNITED STATES—Continued

(1976–1983)[1]

State/Territory	[2]1976	[2]1977	1978	1979	1980	1981	1982	1983
Virgin Islands	7	9	4	7	7	3	2	1
Virginia	696	637	600	426	511	618	564	484
Washington	595	561	540	449	518	534	505	509
West Virginia	162	162	172	134	144	161	150	109
Wisconsin	948	882	846	618	760	806	748	768
Wyoming	43	38	31	32	35	43	19	35
U.S. Air Force[3]	1	1	0	0	1	0	0	0
U.S. Navy[3]	0	0	1	0	0	0	0	0
TOTAL	51,808	47,292	44,482	34,383	38,134	43,194	39,099	35,122

[1] Data includes design, plant, and reissue patents.
[2] The Transition Quarter, July 1, 1976, to September 30, 1976, has been omitted.
[3] Represents residents of the United States with military addresses.

Table 14.—UNITED STATES PATENT APPLICATIONS FILED BY RESIDENTS OF FOREIGN COUNTRIES

(1980–1983)

Country	1980	1981	1982	1983
Antigua	0	1	0	0
Argentina	54	62	40	32
Australia	685	718	756	727
Austria	399	517	458	413
Bahamas	5	8	5	8
Bahrain	1	0	0	1
Barbados	0	0	0	1
Belgium	389	403	456	355
Bermuda	2	1	1	3
Bolivia	0	2	1	1
Brazil	61	68	66	52
British Virgin Islands	0	2	1	3
Brunei	0	1	0	0
Bulgaria	39	36	34	29
Canada	2,289	2,413	2,538	1,963
Cayman Islands	0	0	1	0
Chile	9	12	11	4
China				
Mainland	12	5	16	4
Taiwan	369	423	583	528
Colombia	5	5	19	5
Congo	1	0	0	0
Costa Rica	10	0	1	7
Cuba	2	1	1	1
Cyprus	1	1	1	0
Czechoslovakia	88	82	79	76
Denmark	213	275	322	276
Dominican Republic	3	1	1	1
Ecuador	1	2	0	1
Egypt	3	2	3	1

Table 14.—UNITED STATES PATENT APPLICATIONS FILED BY RESIDENTS OF FOREIGN COUNTRIES—Continued

(1980-1983)

Country	1980	1981	1982	1983
El Salvador	0	1	0	1
EPO	0	0	1	0
Finland	294	275	342	336
France	3,533	3,519	3,732	3,249
Gabon	0	1	1	0
Germany, Dem. Republic of	109	88	119	63
Germany, Fed. Republic of	9,872	10,133	10,979	8,617
Gilbert Islands	2	0	0	0
Greece	15	31	65	16
Greenland	1	0	0	0
Guatemala	2	2	6	3
Guinea	0	1	1	0
Haiti	0	2	2	1
Honduras	0	1	2	0
Hong Kong	118	103	157	167
Hungary	201	207	253	183
Iceland	2	5	3	8
India	22	18	25	15
Indonesia	9	2	6	2
Iran	2	3	0	7
Iraq	0	1	1	1
Ireland	45	54	68	44
Israel	272	290	359	273
Italy	1,520	1,544	1,769	1,440
Ivory Coast	0	1	1	0
Jamaica	1	0	2	2
Japan	13,079	14,375	17,349	15,743
Jordan	1	1	0	1
Kenya	1	0	0	0
Korea, Dem. Republic of	8	3	2	3
Korea, Republic of	39	55	87	93
Kuwait	12	8	3	0
Lebanon	1	3	1	7
Liechtenstein	21	28	15	15
Luxembourg	31	44	55	43
Malaysia	4	8	7	5
Malta	1	0	1	1
Mauritius	1	0	0	0
Mexico	83	104	77	67
Midway Islands	0	1	0	1
Monaco	8	6	11	9
Morocco	2	2	1	3
Nauru	1	0	0	0
Nepal	0	0	0	1
Netherlands	1,035	1,109	1,191	1,112
New Zealand	132	126	119	116
Nigeria	4	1	0	0
Niue	1	0	0	0
Norway	127	160	156	142
Pakistan	2	2	2	1

Table 14.—UNITED STATES PATENT APPLICATIONS FILED BY RESIDENTS OF FOREIGN COUNTRIES—Continued

(1980-1983)

Country	1980	1981	1982	1983
Panama	2	1	0	2
Paraguay	1	2	0	1
Peru	3	2	3	1
Philippines	17	12	28	17
Poland	71	50	30	23
Portugal	7	3	9	8
Romania	8	13	12	2
San Marino	3	0	0	0
Saudi Arabia	2	3	13	7
Senegal	0	0	1	1
Singapore	7	5	9	6
South Africa	188	219	250	182
Soviet Union	341	472	376	217
Spain	168	190	175	159
St. Helena	1	0	0	0
Swaziland	0	0	1	0
Sweden	1,256	1,447	1,347	1,302
Switzerland	1,994	1,946	1,973	1,671
Syria	0	0	1	1
Tanzania	0	1	0	0
Thailand	5	4	5	6
Trinidad & Tobago	0	1	2	1
Tunisia	2	4	1	0
Turkey	5	2	3	5
United Arab Emirates	0	2	0	4
United Kingdom	4,470	4,474	4,807	4,241
Uruguay	27	11	17	12
Vanuatu	3	0	0	0
Venezuela	18	30	25	24
Vietnam	1	0	0	0
Yugoslavia	24	31	28	21
Zambia	0	0	2	1
Zimbabwe	3	1	0	0
Total	43,882	46,283	51,483	44,198

Table 15.—PATENTS ISSUED BY THE UNITED STATES TO RESIDENTS OF FOREIGN COUNTRIES

(1976–1983)[1]

Country	[2]1976	[2]1977	1978	1979	1980	1981	1982	1983
Algeria	1	0	1	0	0	0	0	0
Argentina	22	24	46	90	42	24	15	29
Australia	299	272	297	252	269	360	330	318
Austria	339	297	287	221	253	299	227	278
Bahamas	9	5	8	7	4	6	4	3
Bahrain	0	0	0	0	0	1	0	0
Belgium	337	306	280	213	235	296	220	208
Bermuda	2	4	1	1	2	5	1	0
Bolivia	6	0	3	0	7	1	0	0
Brazil	20	25	30	12	24	29	26	23
Bulgaria	27	36	32	18	19	33	16	13
Burma	0	0	1	1	1	0	0	0
Canada	1,411	1,388	1,338	1,105	1,118	1,330	1,145	1,080
Cayman Islands	0	0	0	0	0	0	1	1
Chile	7	2	4	3	2	3	2	3
China								
Mainland	0	2	0	1	2	4	1	1
Taiwan	29	49	40	35	58	90	89	78
Colombia	4	6	12	5	7	6	4	4
Congo	12	11	1	0	1	1	0	0
Costa Rica	8	0	1	11	2	7	4	0
Cuba	1	1	3	1	3	3	0	0
Cyprus	1	2	1	0	2	0	1	0
Czechoslovakia	110	109	93	52	56	48	55	34
Dahomey	1	0	0	0	0	0	0	0
Denmark	210	172	183	133	147	160	139	139
Dominican Republic	0	1	1	0	0	1	0	0
Ecuador	7	1	0	1	0	0	0	0
Egypt	4	1	0	1	1	3	2	0
El Salvador	5	3	2	5	1	0	0	1
Ethiopia	0	2	2	0	0	0	0	0
Finland	112	99	141	85	124	147	143	140
France	2,666	2,255	2,225	1,728	2,015	2,258	2,123	1,944
Germany, Dem. Republic of	0	1	3	0	22	42	58	55
Germany, Fed. Republic of	6,800	5,902	5,883	4,935	5,354	6,436	5,697	5,388
Greece	17	11	11	7	5	7	11	10
Greenland	0	0	0	0	0	0	1	0
Guatemala	5	3	4	0	1	1	0	0
Guinea	0	1	1	0	0	0	0	0
Haiti	4	1	0	2	2	1	2	1
Honduras	1	1	1	1	0	0	0	0
Hong Kong	46	32	33	30	48	60	71	54
Hungary	66	69	82	57	77	98	102	122
Iceland	6	3	13	35	11	1	0	2
India	14	16	20	15	10	13	2	15
Indonesia	5	0	4	5	3	2	5	0
Iran	5	3	5	8	7	2	0	0
Ireland	34	21	32	21	22	23	26	18
Israel	119	97	107	92	105	134	123	112
Italy	866	810	761	638	742	933	834	702

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Table 15.—PATENTS ISSUED BY THE UNITED STATES TO RESIDENTS OF FOREIGN COUNTRIES—Continued

(1976–1983)[1]

Country	[2]1976	[2]1977	1978	1979	1980	1981	1982	1983
Ivory Coast	0	1	0	0	0	0	1	0
Jamaica	0	3	3	1	4	0	0	0
Japan	7,383	6,462	7,099	5,827	6,626	8,459	8,789	8,632
Jordan	0	0	1	1	0	0	0	0
Kenya	2	1	0	0	4	0	1	0
Kiribati	0	0	0	0	0	1	0	0
Korea, Dem. Republic of	0	0	0	0	0	0	1	0
Korea, Republic of	9	5	14	9	9	20	18	24
Kuwait	0	0	1	2	0	0	0	0
Lebanon	4	0	3	0	0	2	1	1
Liberia	0	0	1	0	0	1	0	0
Libya	0	1	2	0	1	0	0	0
Liechtenstein	14	10	12	10	14	17	16	17
Luxembourg	20	14	21	19	17	26	34	26
Madagascar	0	0	1	1	0	0	0	0
Malawi	0	0	0	0	0	1	0	0
Malaysia	3	2	5	2	1	1	2	5
Mali	0	0	2	0	1	0	0	0
Mauritania	0	0	0	0	0	1	0	0
Mauritius	0	0	0	0	0	1	0	0
Mexico	78	65	42	39	43	40	43	43
Monaco	8	5	9	1	6	7	6	3
Morocco	0	4	1	1	1	0	0	1
Namibia	0	0	0	0	1	0	0	0
Netherlands	709	770	680	579	585	700	630	671
New Zealand	37	32	46	28	51	62	54	49
Nicaragua	3	2	3	0	0	1	0	0
Nigeria	1	1	3	1	1	2	1	0
Norway	110	113	103	89	80	89	87	74
Pakistan	2	1	0	0	1	0	1	0
Panama	4	3	0	1	2	0	1	0
Paraguay	0	1	1	0	2	0	1	0
Peru	8	6	1	3	1	0	4	1
Philippines	8	10	8	6	3	6	8	5
Poland	35	26	29	30	30	34	37	20
Portugal	5	3	5	1	1	3	12	4
Romania	15	20	11	7	16	13	3	4
Saudi Arabia	0	3	0	1	2	0	1	3
Senegal	0	0	0	1	0	2	0	1
Singapore	4	3	5	2	5	4	2	3
South Africa	89	81	86	67	80	106	79	64
Soviet Union	435	399	386	398	403	427	242	215
Spain	105	114	95	63	65	71	54	64
Sri Lanka	0	2	0	0	1	0	0	0
Sudan	0	1	0	0	0	0	0	0
Swaziland	0	0	0	0	1	0	0	0
Sweden	1,118	1,005	918	680	778	889	814	730
Switzerland	1,603	1,438	1,374	1,107	1,133	1,313	1,216	1,053
Syria	1	0	0	0	0	0	0	0
Tanzania	0	1	0	0	0	0	0	1

Table 15.—PATENTS ISSUED BY THE UNITED STATES TO RESIDENTS OF FOREIGN COUNTRIES—Continued

(1976-1983)[1]

Country	[2]1976	[2]1977	1978	1979	1980	1981	1982	1983
Thailand	1	3	0	1	3	1	1	2
Trinidad & Tobago	1	3	4	4	2	1	1	0
Tunisia	0	1	0	0	3	0	2	0
Turkey	0	2	1	1	4	1	1	0
Uganda	1	0	0	0	0	0	0	0
United Kingdom	3,443	2,831	2,850	2,203	2,281	2,616	2,357	2,061
Upper Volta	0	0	0	0	0	1	0	0
Uruguay	2	0	0	0	0	4	26	22
Vanuatu	0	0	0	0	0	1	0	0
Venezuela	2	9	8	13	11	12	12	6
Vietnam	1	1	1	0	1	0	0	0
Yemen	0	0	0	1	0	0	0	0
Yugoslavia	5	7	9	7	13	10	14	11
Zambia	1	0	0	0	0	0	0	0
Zimbabwe	1	4	1	0	1	1	0	1
TOTALS	28,909	25,513	25,838	21,035	23,093	27,816	26,053	24,593

[1] Data includes design, plant, and reissue patents.
[2] The Transition Quarter, July 1, 1976, to September 30, 1976, has been omitted.

Table 16.—PATENT CLASSIFICATION ACTIVITY

(1980-1983)

Classification Activity	1980	1981	1982	1983
Original Patents Professionally Reclassified—Completed Projects	N/A	113,284	82,694	100,342
Subclasses Established	5,261	5,287	4,667	2,690
Reclassified Patents Clerically Processed:				
Original U.S. Patents	145,206	112,420	106,416	77,160
Cross-Reference U.S. Patents	219,203	200,652	244,105	136,098
Foreign Patents	232,000	180,000	170,000	123,000
Total Patents Reclassified	596,409	493,072	520,521	336,258

Table 17.—SCIENTIFIC LIBRARY ACTIVITY

	1983
Additions to Collections:	
Books Purchased	4,424
Journal Subscriptions Purchased	1,455
Journal Issues Received	24,689
Foreign Patents:	
Microfilm Reels	1,871
Documents in Paper Form	1,193,897
Services Provided:	
Journal Issues Routed	16,805
Pages of Foreign Material Translated	5,102
Copies of Foreign Patents Provided	14,090
Documents Circulated	6,850
Documents Loaned to Other Libraries	1,500

Table 18.—SUMMARY OF TRADEMARK EXAMINING ACTIVITIES

(1977–1983)

Item	1977	1978	1979	1980	1981	1982	1983
Applications for Registration Filed	44,539	50,106	50,672	52,149	55,152	73,621	51,014
Disposal of Trademark Applications:							
Applications Maturing to Registration	27,431	31,623	24,961	16,366	34,748	43,630	47,685
Applications Abandoned	9,055	8,287	10,061	8,023	14,589	19,350	19,865
Applications Approved for Publication	27,431	31,623	24,961	28,974	34,759	45,621	52,877
Trademark First Actions	47,207	39,524	31,305	49,032	57,944	64,840	68,989
Certificates of Registration Issued:[1]							
1946 Act Principal Register	24,256	28,236	21,496	14,149	30,223	37,506	39,615
1946 Act Supplemental Register	770	685	714	465	1,083	1,519	1,564
Total	25,026	28,921	22,210	14,614	31,306	39,025	41,179
Renewal of Registration:							
Applications Filed	5,854	5,567	5,623	5,892	5,693	5,760	5,438
Applications Abandoned	18	52	32	35	62	23	31
Registrations Renewed	6,215	5,254	5,404	5,862	5,884	6,070	5,695
Affidavits, Sec 8:							
Affidavits Filed	13,463	13,351	13,864	13,633	17,071	15,068	12,544
Affidavits Disposed	12,796	9,681	7,560	11,332	14,936	16,970	12,462
Affidavits for Benefits Under Sec. 12(c):							
Affidavits Filed	30	77	10	85	40	55	46
Affidavits Abandoned	3	0	3	0	0	0	0
Published Under Sec. 12(c)	21	84	34	54	77	71	74
Pendency Time of Average Trademark Application:							
Between Filing and Examiner's First Action[2]	3.0	6.0	10.2	11.5	11.0	8.4	8.3
Between Filing and Registration/ Abandonment[2]	14.8	16.2	17.9	24.9	24.0	21.3	20.3

[1] A single certificate of registration is issued for an application covering more than one class, but elsewhere in this table, applications are counted extra times for extra classes.

[2] Average pendency time in months.

Table 19.—TRADEMARK APPLICATIONS FILED FOR REGISTRATION AND RENEWAL AND TRADEMARK AFFIDAVITS FILED

(1964-1983)

Year	For Regis.	For Renewal	Section 8 Affidavit	Sec. 12(c) Affidavit
1964	25,574	2,824	12,055	261
1965	26,657	3,049	13,923	308
1966	28,438	3,695	13,705	518
1967	27,628	3,844	11,156	341
1968	28,292	4,089	12,116	231
1969	31,268	6,267	13,890	90
1970	33,807	6,329	14,283	59
1971	32,803	6,189	12,263	76
1972	33,741	5,980	13,256	46
1973	[1]36,204	5,614	13,605	74
1974	34,193	5,633	13,259	55
1975	33,898	5,687	14,644	29
1976[2]	37,074	6,833	15,665	24
1977[2]	44,539	5,854	13,463	30
1978	50,106	5,567	13,351	77
1979	50,672	5,623	13,864	10
1980	52,149	5,892	13,633	85
1981	55,152	5,693	17,071	40
1982	73,621	5,760	15,068	55
1983	51,014	5,438	12,544	46

[1] Revised.
[2] The Transition Quarter, July 1, 1976, to September 30, 1976, has been omitted.

Table 20.—SUMMARY OF PENDING TRADEMARK APPLICATIONS

(As of September 30, 1983)

Stage of Processing	Applications For Registration
IN PREEXAMINATION PROCESSING	33,969
UNDER EXAMINATION:	
Amended, awaiting action by examiner	8,648
Awaiting first action by examiner	4,872
Awaiting subsequent action (by applicant, on appeal, in adversary proceedings, in clerical processing)	40,731
Total Under Examination	54,251
Total	88,220
All applications in all phases of publication and issue	30,658
TOTAL IN PATENT AND TRADEMARK OFFICE	118,878

Table 21.—SUMMARY OF CONTESTED TRADEMARK CASES

(Within the Patent and Trademark Office)

Trademark Trial and Appeal Board	Ex Parte	Cancel	Conc. Use	Inter.	Oppos.	Total
Receipts						
Cases Pending as of 9/30/82	434	638	44	0	2,274	3,390
Cases Filed During FY 1983	909	493	40	0	1,764	3,206
Total	1,343	1,131	84	0	4,038	6,596
Disposals	990	471	16	0	1,541	3,018
Total Cases Pending as of 9/30/83	353	660	68	0	2,497	3,578

Table 22.—TRADEMARKS REGISTERED, RENEWED, AND PUBLISHED UNDER SECTION 12(c)[1]

(1964–1983)

Year	Registered[2]	Renewed	Published Under 12(c)
1964	20,689	2,834	329
1965	19,452	2,870	336
1966	18,671	3,441	497
1967	20,604	3,820	403
1968	20,385	3,726	290
1969	20,306	5,442	182
1970	21,974	6,370	103
1971	21,686	6,380	112
1972	21,062	5,836	56
1973	25,432	5,398	69
1974	24,838	5,984	54
1975	27,324	5,474	25
1976[3]	28,102	6,914	56
1977[3]	25,026	6,251	21
1978	28,921	5,254	84
1979	22,210	5,404	34
1980	14,614	5,862	54
1981	31,306	5,884	77
1982	39,025	6,070	71
1983	41,179	5,695	74

[1] Excludes withdrawn numbers.
[2] Certificates of registration issued.
[3] The Transition Quarter, July 1, 1976,to September 30, 1976, has been omitted.

Table 23.—WORKLOAD UNDER SECTION 7 OF THE TRADEMARK ACT[1]

(FY 1983)

Requests Received	1,558
Requests Decided	3,893
Section 7 Requests Pending as of September 30, 1983:	
Awaiting First Action	197
Awaiting Second Action	64
Awaiting Receipt of Title Report/Certified Copy	12
Total Pending	273
Oldest Date Pending:	
Awaiting Receipt of File	12/20/82
After Receipt of FIle	6/20/83

[1] Including requests for certificate of correction, new certificate to assignee, surrender to cancel, amendment, or disclaimer.

Table 24.—TRADEMARK SERVICES WORKLOAD

(Performed by Trademark Staff FY 1983)

Copies Certified:	
(Includes Status/Title Certified Copies)	12,065
Title Searches for Copies (Uncertified)	7,510
Status Copies (Uncertified)	2,874
Search Room:	
Copies of New Registrations Filed in Registered File	213,696
Copies of New Drawings Filed in Pending File	299,554
Expired/Cancelled Marks Pulled from Registered File	54,115
Abandoned Marks Pulled from Pending File	3,500
Official Register:	
Affidavits Stamped on Mark	13,207
Renewals Stamped on Mark	6,264
Cancellations Stamped on Mark	12,207

Table 25.—UNITED STATES TRADEMARK APPLICATIONS FILED BY RESIDENTS OF FOREIGN COUNTRIES

(1980-1983)

Country	1980	1981	1982	1983
Albania	0	0	0	1
Algeria	0	1	0	0
Andorra	0	0	0	0
Argentina	43	13	21	24
Australia	109	136	176	153
Austria	50	35	120	36
Bahamas	0	4	20	4
Bahrain	0	0	1	1
Barbados	0	3	1	0
Belgium	19	49	93	56
Benelux Convention	0	0	1	0
Bermuda	19	17	7	10
Bolivia	0	0	0	1
Brazil	23	42	66	64
British Virgin Islands	4	0	0	0
Canada	702	859	1,342	887
Cayman Islands	4	0	14	0
Channel Islands	0	0	0	1
Chile	0	12	9	9
China				
Mainland	19	33	73	95
Taiwan	31	38	82	85
Colombia	12	7	22	6
Costa Rica	0	3	1	4
Cuba	0	0	0	1
Cyprus	0	0	0	1
Czechoslovakia	0	3	2	2
Denmark	85	54	87	62
Dominica	0	0	0	2
Dominican Republic	0	6	2	6
Ecuador	0	1	2	5
Egypt	0	3	0	1
El Salvador	0	2	1	1
Fiji	0	1	0	0
Finland	19	37	64	46
France	807	689	1,293	717
Germany, Dem. Republic of	0	3	5	1
Germany, Fed. Republic of	833	696	1,196	733
Ghana	0	0	2	0
Gibraltar	0	0	0	2
Greece	0	4	6	5
Guam	0	0	0	1
Guatemala	4	3	5	0
Guyana	0	0	1	0
Haiti	0	0	1	2
Honduras	0	0	0	1
Hong Kong	105	90	169	114
Hungary	12	3	14	3
Iceland	0	4	14	2

Table 25.—UNITED STATES TRADEMARK APPLICATIONS FILED BY RESIDENTS OF FOREIGN COUNTRIES—Continued

(1980-1983)

Country	1980	1981	1982	1983
India	12	4	2	4
Indonesia	0	0	2	5
Iran	0	6	1	12
Ireland	8	19	10	12
Israel	27	22	46	32
Italy	365	367	1,020	399
Jamaica	0	0	5	0
Japan	469	613	911	719
Kenya	0	0	1	0
Kiribati	0	1	0	0
Korea, Dem. Republic of	0	0	1	4
Korea, Republic of	0	14	21	38
Kuwait	0	0	0	0
Lebanon	0	5	0	3
Liberia	0	2	1	4
Liechtenstein	31	20	20	17
Luxembourg	0	1	9	6
Macao	0	3	1	0
Madagascar	4	9	1	0
Malaysia	0	1	0	2
Malta	0	0	0	1
Mexico	62	58	90	95
Midway Islands	0	0	0	1
Monaco	0	3	17	3
Morocco	0	0	1	1
Nauru	0	6	1	0
Netherlands	113	120	276	184
Netherlands Antilles	0	0	0	21
New Zealand	50	26	71	38
Nicaragua	12	1	0	6
Niger	4	0	0	0
Nigeria	0	0	0	1
Norway	16	19	28	25
Panama	8	10	21	25
Paraguay	16	0	0	0
Peru	0	2	1	5
Philippines	4	15	4	2
Poland	8	3	4	0
Portugal	16	59	98	14
Qatar	0	1	0	0
Romania	0	2	4	2
Rwanda	0	0	0	0
San Marino	0	1	0	0
Saudi Arabia	0	2	1	1
Sierra Leone	0	0	0	0
Singapore	0	10	12	0
South Africa	0	21	48	21
Soviet Union	35	9	16	14
Spain	159	107	160	122
Sri Lanka	0	1	0	1

Table 25.—UNITED STATES TRADEMARK APPLICATIONS FILED BY RESIDENTS OF FOREIGN COUNTRIES—Continued

(1980-1983)

Country	1980	1981	1982	1983
Surinam	0	2	0	0
Swaziland	0	0	0	0
Sweden	167	124	236	149
Switzerland	268	250	380	217
Syria	0	1	0	0
Thailand	12	2	1	11
Trinidad & Tobago	12	1	4	3
Tunisia	0	0	0	1
Turks and Caicos Islands	0	0	0	1
Uganda	0	0	0	0
United Kingdom	547	597	945	618
Venezuela	4	5	22	15
Vietnam	0	2	1	0
Yugoslavia	0	4	48	6
Zimbabwe	0	0	1	0
Total	5,329	5,402	9,456	6,006

Table 26.—TRADEMARKS REGISTERED BY THE UNITED STATES TO RESIDENTS OF FOREIGN COUNTRIES

(1980-1983)

Country	1980	1981	1982	1983
Argentina	4	14	6	13
Australia	29	52	40	110
Austria	20	32	16	59
Bahamas	0	0	0	12
Barbados	0	0	0	1
Belgium	11	30	16	46
Benelux Convention	0	0	0	1
Bermuda	0	0	0	7
British Virgin Islands	0	0	0	13
Brazil	9	22	21	42
Canada	180	288	378	814
Cayman Islands	0	0	0	5
Chile	1	1	0	6
China				
Mainland	3	6	27	37
Taiwan	2	3	4	69
Colombia	1	2	0	11
Cuba	0	1	0	7
Czechoslovakia	3	4	1	4
Denmark	14	27	15	53
Dominican Republic	0	0	0	2
El Salvador	0	0	1	1
Ethiopia	0	0	0	2
Fiji	0	0	0	1
Finland	15	8	12	33

Table 26.—TRADEMARKS REGISTERED BY THE UNITED STATES TO RESIDENTS OF FOREIGN COUNTRIES—Continued

(1980–1983)

Country	1980	1981	1982	1983
France	174	266	355	720
Germany, Democratic Republic of	0	0	0	1
Germany, Federal Republic of	223	358	408	797
Greece	1	6	2	3
Grenada	0	0	0	1
Guatemala	0	0	0	1
Hong Kong	19	52	33	78
Hungary	0	0	1	6
Iceland	0	2	0	2
India	0	0	2	3
Iran	0	0	0	7
Ireland	2	6	7	16
Israel	3	6	14	21
Italy	98	155	194	428
Jamaica	0	0	0	2
Japan	137	271	335	585
Kenya	0	0	0	1
Korea, Republic of	3	9	2	12
Kuwait	1	1	0	0
Lebanon	1	0	0	1
Liberia	0	1	0	3
Libya	0	0	0	1
Liechtenstein	3	3	9	23
Luxembourg	1	0	1	1
Malaysia	0	0	0	3
Mexico	20	18	20	42
Monaco	1	1	0	5
Netherlands	21	51	36	131
Netherlands Antilles	0	0	0	11
New Zealand	8	19	14	31
Norway	5	2	7	30
Panama	1	4	6	15
Peru	0	2	0	2
Philippines	0	0	1	10
Poland	0	0	0	4
Portugal	2	2	4	10
Romania	0	3	1	3
San Marino	0	0	0	1
Saudi Arabia	2	0	0	2
Singapore	1	0	0	8
South Africa	7	20	9	29
Soviet Union	1	5	1	12
Spain	46	54	76	128
Sri Lanka	0	0	0	1
Sweden	40	52	91	160
Switzerland	66	123	144	266
Thailand	0	0	0	3
Trinidad/Tobago	0	0	0	1
United Kingdom	144	225	183	590
Venezuela	0	1	5	2

Table 26.—TRADEMARKS REGISTERED BY THE UNITED STATES TO RESIDENTS OF FOREIGN COUNTRIES—Continued

(1980-1983)

Country	1980	1981	1982	1983
Vietnam	0	0	0	2
Yugoslavia	0	0	0	2
Total	1,323	2,208	2,498	5,566

Table 27.—SUMMARY OF SERVICES FURNISHED TO THE PUBLIC AND GOVERNMENT AGENCIES

(For a Fee or Without Charge)

Item Service Furnished	Totals
ASSIGNMENTS[1]:	
Abstracts of Title	969
Certified Copies of Documents	9,676
Documents Recorded	122,403
Photo Copies Prepared	22,434
Title Reports	26,628
Transfers of Records from Pending to Public Files[2]	71,002
CERTIFIED DOCUMENTS[3]	81,101
DRAFTING:	
Accomplishments by P.T.O. Draftsmen:	
Drawing Sheets Inspected	375,987
Total Drawings Sheets Corrected[4]	333
Lost Drawings Replaced	
Contractor	363
PTO Draftsmen	187
Accomplishments by Bonded Draftsmen:	
Corrections Requested	8,654
Corrections Completed	8,053
Submission of new drawings/corrections by applicants	1,842
Ending Inventory (applications awaiting corrections not requested)	2,255
PATENT AND TRADEMARK COPIES SUPPLIED:	
National Archives[2]	170,115
Foreign Exchange Programs[2]	2,662,135
Depository Library Subscriptions	1,020,690
Orders Received from the Public	2,246,541
Total Copies Supplied	6,099,481
PATENT AND TRADEMARK PAGES REPRODUCED[5]	16,650,465

[1] Briefs of all legal documents recorded against a specific patent or trademark property.
[2] Without charge.
[3] Copies of patent and trademark official file wrapper copies.
[4] Corrections to patent and trademark application drawings.
[5] To fill orders for copies of patents and trademarks.

Table 28.—ACTIONS ON PETITIONS TO THE COMMISSIONER OF PATENTS AND TRADEMARKS

(During Fiscal Year 1983)

Nature of the Petition	Totals
PATENT MATTERS	
Acceptance of:	
Amendments Filed After Payment of Issue Fee	69
Late Assignments	30
Late Issue Fees	641
Late Priority Papers	65
Access	30
Certificates of Correction	5,717
Deferment of Issue	44
Filing Date	344
Interference	59
Make Special:	
Infringement	172
Manufacture	32
Other	653
Miscellaneous	269
New Notice of Allowance	93
Public Use	16
Reexamination Proceedings	62
Reissue in Divisions	6
Requests for Access to Reissue Applications	382
Restriction	80
Revivals	1,336
Rule 47 (37 CFR 1.47)	382
Supervisory Authority	83
Suspend Rules	32
Withdrawal of Attorney	940
Withdrawal from Issue	216
Change of Inventorship	35
Withdrawals of Holding of Aband/Pat. Lapse	675
Total Actions on Patent Petitions	12,463
OTHER RELATED PATENT MATTERS	
Applications Involving the Duty of Disclosure:	
Receipts	201
Disposals:	
Abandoned	86
Not Stricken	0
Not Rejected Under 37 CFR 1.56(d)	65
Stricken	0
Applications Withdrawn	0
Total Disposals	151
Protests Filed in:	
Original Applications	16
Reissue Applications	28
Total Protests Filed	44
TRADEMARK MATTERS	
Acceptance of Late Filed:	
Fees (Excluding Section 8)	27
Papers (Excluding Section 8)	12
Decision by Examiner	5
Extensions of Time	6

Table 28.—ACTIONS ON PETITIONS TO THE COMMISSIONER OF PATENTS AND TRADEMARKS—Continued

(During Fiscal Year 1983)

Nature of the Petition	Totals
Interferences	10
Make Special and Revive	1,140
Requesting Recordation in Assignment Division	9
Restore Jurisdiction to Examiner	3
Sections 8 or 15	14
Supervisory Authority (2.146(a)(3))	32
Miscellaneous	106
Total Actions on Trademark Petitions	1,364
PETITIONS AWAITING ACTION AS OF 9/30/83:	
Patent Matters	696
Trademark Matters	41

Table 29.—CASES IN LITIGATION

(Selected Courts of the United States)

Courts of the United States	Adminis. Review	Pat	TM	Total
SUPREME COURT				
Petitions for Writ of Certiorari				
Cases Pending as of 9/30/82	1	0	0	1
Cases Filed During FY 83	3	0	0	3
Total	4	0	0	4
Disposals:				
Denied	4	0	0	0
Dismissed	0	0	0	0
Granted	0	0	0	0
Affirmed	0	0	0	0
Total Disposals	4	0	0	4
Total Cases Pending as of 9/30/83	0	0	0	0
UNITED STATES COURTS OF APPEALS FOR THE DISTRICT OF COLUMBIA				
Cases Pending as of 9/30/82	1	1	0	2
Cases Filed During FY 83	0	1	0	1
Total	1	2	0	3
Disposals:				
Affirmed	0	0	0	0
Dismissed	1	1	0	2
Reversed	0	1	0	1
Remanded	0	0	0	0
Total Disposals	1	2	0	3
Total Cases Pending as of 9/30/83	0	0	0	0
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA				
Cases Pending as of 9/30/82	2	11	0	13
Cases Filed During FY 83	3	7	1	11
Total	5	18	1	24
Disposals:				
Affirmed	0	1	0	1
Dismissed	3	6	0	9
Reversed	0	0	0	0
Affirmed-in-Part	0	0	0	0
Remanded	0	0	0	0
Total Disposals	3	7	0	10
Total Cases Pending as of 9/30/83	2	11	1	14

Table 29.—CASES IN LITIGATION—Continued

(Selected Courts of the United States)

United States Court of Appeals for the Federal Circuit	Ex Parte		Inter Partes		Total
	Pat	TM	Pat	TM	
COURT OF CUSTOMS AND PATENT APPEALS					
Cases Pending as of 9/30/82	30	3	11	15	59
Cases Filed During FY 83	107	8	15	34	164
Total Receipts	137	11	26	49	223
Disposals:					
Affirmed	54	4	14	18	90
Affirmed-in-Part	2	0	0	0	2
Dismissed:					
Appellant's Motion	16	1	2	4	23
Appellee's Motion	0	0	0	0	0
Joint Motion	0	0	0	0	0
Want of Prosecution	5	0	0	0	5
Remanded	2	1	0	1	4
Reversed	13	2	0	5	20
Writs of Mandamus:					
Denied	1	0	0	0	1
Granted	1	0	0	0	1
Dismissed	1	0	0	0	1
Total Disposals	95	8	16	28	147
Total Cases Pending as of 9/30/83	42	3	10	21	76

Notices of Appeals to United States Court of Appeals for the Federal Circuit—Received 10/1/82-9/30/83:

Ex parte patents and trademarks ..... 110 (2) not perfected
Inter partes patents ..... 15 (1) not perfected
Inter partes trademarks 51

Table 30.—CASES IN LITIGATION

(Other Jurisdictions-Reported Cases)

Month	Patent Suits				Trademark Suits			
	Filed	Patents Involved	Decs.	Patents Involved	Filed	TM's Involved	Decs.	TM's Involved
October 1982	56	70	19	33	57	195	22	103
November	53	78	16	21	60	156	18	64
December	40	64	12	16	79	324	23	97
January	43	56	10	18	61	226	21	79
February	56	82	15	20	63	198	17	32
March	65	95	34	89	78	256	27	94
April	49	73	19	38	78	255	14	47
May	56	74	42	53	67	165	38	165
June	64	94	14	19	73	190	10	33
July	36	50	26	40	46	134	24	106
August	46	62	17	20	70	210	25	59
September 1983	56	77	18	24	58	159	34	108
Totals	620	875	242	391	790	2,468	273	987